

The Role of Media in the Integration of Estonians and Russian-Speakers in Estonia: Towards an Inclusive Public Sphere

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The main objectives of the project are to research Estonian **broadcasting regulations** relevant for the **access of ethnic minorities** to the media and, hence, to public sphere, particularly their access to **public service broadcasting**, to assess the role of Estonian media in influencing the processes of national integration so far and to define alternatives to the approach taken on media and ethnic minorities by the governmental institutions today.

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Introduction

When the Past Becomes the Present¹:

Demographic Composition and Political Status of National Minorities in Estonia

The estimated number of the population in Estonia in January 2003 was 1 356 000,² the ethnic composition being 68% Estonians, 27% Russians, 4% other Russian-speaking nationalities and 1% others.

Before the forced annexation of the country to the Soviet Union in 1940, 12% of the population were non-Estonians by ethnic origin, two thirds of them Russians. After the Second World War the rebuilding of the socialist republic included mass immigration of mainly industrial workers from the Slavic republics of the USSR into Estonia. The latter process continued well into the end of the 1970s and was seen by the immigrants themselves as moving within the borders of a unitary state.

By 1989 the share of Estonians had decreased to 62%. After the country declared the restoring of its independence in 1991, the dominating tone of both the authorities and the members of the titular nation were in favour of repatriation of as many Russian-speakers as feasible. Among ethnic Estonians the drastic changes in the demographic composition of the population had generated existential fears, suspicions about Russians both as potential threat to the newly gained independence and as assimilators, and these fears contributed to the wide acceptance and favouring of exclusionist citizenship policies.

As in the eyes of Estonians their independent state was to be restored, this restitution provided the ultimate justification for the Laws on Citizenship, which adopted the principles of *ius sanguinis* and naturalization: only persons who were citizens, or the descendants of a citizen of the Republic of Estonia before 1940, when the independent statehood of Estonia ceased to exist *de facto*, have the right to Estonian citizenship. Thus, in 1992, almost half a million people in Estonia, immigrants from the former Soviet republics were denied citizenship. Although they could become citizens through

naturalization, in order to do so, they could not have been officials of the Soviet army, nor have one as a spouse and had to pass Estonian language test.

The latter requirements have resulted in that approximately 110 000 non-Estonians have emigrated since the beginning of the 1990s, and that of those who stayed only 38% of have Estonian citizenship, 24% Russian citizenship, 1% other citizenship and 37% of Russian speakers are stateless. Even though non-citizens who hold temporary or permanent residence permits have the same social rights and guarantees as citizens, they are deprived of such political rights as voting in the parliamentary elections or becoming members of political parties, as well as the right to hold positions in the state and municipal administration or to serve in the army. The Law on Cultural Autonomy does not consider non-citizens to be national minorities, thus does not grant any rights to the majority of non-Estonians.³ The Law on the Cultural Autonomy for National Minorities states:

This law considers as national minorities *citizens* of Estonia who:

- reside on the territory of Estonia;
- maintain longstanding, firm and lasting ties with Estonia;
- are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics;
- are motivated by a concern to preserve together their cultural traditions, their religion or their language which constitute the basis of their common identity

Hence, as over half of non-Estonians are non-citizens, in legal terms we cannot speak of a national minority of 32%, but of only 12%. Yet, even when disregarding the legal aspect, the definition of the status of non-Estonians is still problematic and differs from case to case according to the preferences of the one who is giving the definition. First, the distinction between national/ethnic/cultural⁴ minorities is not clear-cut and agreed upon univocally even in academia, even less is there an unchallenged agreement of these distinctions in international politics. Usually, distinction is being made between historical national minorities (i.e. indigenous peoples who have resided in the territory of a given state before the state came into existence or nations who used to be a part of a

neighbouring state and are now a minority due to the re-drawing of borders) and immigrants who arrived with the awareness of voluntarily leaving behind their own cultural/linguistic environment and therefore are expected to adapt to the society and legal obligations of their new homeland. To distinguish between these two kinds of minorities, most commonly the former are called national, and the latter ethnic minorities.⁵

In the case of Estonia and its minorities, such a distinction is rather problematic. First, how long does a minority have to reside in a country to become a historic minority? 20, 40 or 100 years? Or is the length of the period insignificant if the previous boundaries were illegal? For instance, illegal as a result of occupation, and thus, does everyone who immigrated in the state during the occupation period become therefore an illegal immigrant after restoring the legal boundaries? Can people who thought they were moving within the boundaries of one state, in this case, the Soviet Union, considered to be immigrants in the first place? Or should it be, on the contrary, disregarded that Estonia and Estonians had any rights of self-determination and decision-making about their future during the time of occupation, and should simply accept that nowadays they have a large national minority and grant them full-fledged rights of one? These are all extremely controversial questions provoking other controversial general issues such as that of historical justice and rights of a people as a community. These questions can never be completely separated from any particular or pragmatic issue related to national/ethnic minorities. Yet, in this paper I will attempt to do so and simply to stay within the framework of the premises and values of a liberal state - not to appeal to group rights, but rather the rights of individuals who in some cases may be at a disadvantage because they have a different ethnic/linguistic/cultural background. That is, the paper will attempt to disentangle the relationship between the duties and rights of the state to its citizens, as well as to the non-citizens as individuals who have long-lasting ties with the state and have expressed the willingness to sustain these ties. Therefore, in this study it does not really matter whether the non-Estonians are called a national or an ethnic or a linguistic minority - in some respects they could belong to all of these categories, in some respect to none. What matters is the state of affairs at this present moment in the country and how

to improve it with more desired outcomes for both counterparts - both from the aspect of what kind of a social and political environment for the country's inhabitants do we want to promote and what kinds of values are we claiming to uphold.

Several surveys and analyses have demonstrated that whether a non-Estonian has Estonian citizenship or not has a correlation between the individual economic and social well-being as well as the perception of the degree of well being and willingness to participate in the affairs of the society.⁶ The requirement of passing the Estonian language examination in order to become a citizen is one of the major reasons behind such a large number of non-citizens: less than a fifth of all them prefer their current status as stateless or Russian citizens.⁷ Only about half of naturalized non-Estonians have had to actually pass the language exam, since simplified procedures existed for those who supported Estonia's independence in 1992, children under 15 and disabled people.

The difficulties of learning adequate Estonian language are given various explanations by different parties. The non-Estonians would probably refer to the territorial and social segregation that has always existed between the nationalities - to the extent that before 1992 one could well speak of two parallel and almost independent 'societal cultures'. Even nowadays, there are Russian-speaking cities (with up to 97% of non-Estonian population) such as Narva and Sillamäe, Russian-speaking schools, Russian-speaking businesses, families, circles of friends, as well as Estonian-speaking ones but rarely mixed. Schools are still lacking adequate language teaching, and for adults learning is expensive, especially as many non-Estonian speaking people live in the nowadays economically most deprived region. Yet, there has been considerable progress in this field during the last few years.

When one asks Estonians for an explanation of the situation, most of them might respond that the Russian-speakers are simply unwilling to learn Estonian.⁸ For Estonians, someone not speaking the language after having lived in Estonia for decades, has no respect for its history, culture and people, thus does not deserve to become a citizen. The language is the basis of Estonian nationhood and culture, and Soviet-time immigrants

have to earn the right to citizenship - these are the convictions shared by a great majority of ethnic Estonians. Every fifth Estonian thinks that the current citizenship policy is too mild and thus damages Estonian national interests.

When the Future Interferes:

Governmental Programme 'Integration in Estonian Society 2000-2007'

It might be useful to begin with defining some of the main concepts which will appear frequently in the following report. The definitions for *integration*, *assimilation*, *segregation*, *social exclusion* as opposed to *inclusion* and *marginalisation* appear most commonly to be and seemingly also accepted as such in Estonia, the following:

Integration: the opportunity to participate in socioeconomic life on an equal basis without losing one's own distinct identity (ethnic, linguistic, cultural) while simultaneously contributing through one's individual distinctiveness to the cultural richness of the society.

Assimilation: social inclusion at the expense of losing distinct group identity. Assimilation of minorities (usually ethnic) usually requires that they give up their ethnic/cultural distinctiveness in order to receive "entry opportunities" to become equal with the majority. Assimilation has been rarely successful in the short and medium term. Furthermore, minorities can easily lose elements of their distinctiveness without receiving commensurate "entry opportunities."

Social exclusion: limited or blocked access to the mainstream social system. The indicators of social exclusion are, for instance, higher long-term unemployment rates, inferior health status (HIV), or high rate of other social pathologies (e.g., high number of former prisoners or drug abusers) along ethnic or other groups lines. Social exclusion is often the first step toward marginalization.

Segregation: isolation of a part of society by denying access to major social, political, or economic institutions. Segregation by ethnic criteria may easily lead to “vertical” as opposed to “horizontal” social stratification, in which different entities are separated into their own, separate and mutually incompatible social structures.

Marginalization: socioeconomic degradation resulting from the failure to include a particular community to participate in different social systems (labour market, political, educational and health institutions). As these systems are usually intertwined exclusion from one makes exclusion from others more likely. Marginalization processes may develop into a formation of under-classes.

Estonia declares it to be in its best interests to avoid the latter three social phenomena from happening and to strive towards achieving the first - integration of its ethnic/linguistic minorities.

The official change in approach towards the Russian-speaking minority took place in 1998 and was provoked by several factors, including studies by the academic community, requirements related to the European Union accession process, pressure from international organisations, activities of minority organisations, and political initiative within the Estonian Government itself. The external criticism and internal recognition of the need for a change from silent hostility towards future-oriented tolerance and co-operation resulted in the preparation and approval of governmental Integration Programme. In order to efficiently implement the Programme, a governmental institution - Integration Foundation was founded in 1998. The funding for the implementation of the programme through particular projects comes from several sources: Estonian Government, governments of Scandinavian countries, Great Britain, Canada and USA, as well as from the EC Phare Programme.

The Integration Programme emphasises a two-way process, promoting the integration of minorities into the Estonian society while protecting their distinct identity, as well as attempting to increase the tolerance of the majority nation. Yet, the chosen means for

promoting greater inclusion is the Estonian language, and an overwhelming majority of projects (over 75%) funded and implemented under the Programme are accordingly related to language instruction.⁹

According to its own criteria, the Programme is successful in the spheres that it identifies as priorities - mainly improving Estonian language instruction in Russian-language schools; minority representatives, however, express concern that too much emphasis has been put on language learning and not much has been accomplished in the legal/political and socio/economical spheres in which clear inequalities still persist.¹⁰ This reflects a divide between minority and majority perceptions of the goals and priorities of the integration process.

However, significant changes in the perceptions of both parties have been documented by the annual monitoring surveys conducted with the financial assistance from the Integration Foundation.¹¹ The discourse has turned into a more pragmatical one: Estonians are more willing to accept at least the Estonian-speaking members of minorities, as 'there is a need for all the human resources the country can have in the future of ageing European societies', Russian-speakers recognise the advantages of mastering the state language and becoming a citizen of the future EU member state.¹²

One of the sub-programmes targets mass media and public awareness on integration issues. This includes support for minority radio programmes, education of minority journalists, toleration and language learning promoting campaigns and a yearly monitoring report of how the press reflected upon issues of inter-ethnic relations. Analysis of the three previous years suggests that a certain common sphere has started to emerge in the Russian and Estonian language press, particularly as the result of incentives for co-operation that come from occasional Integration Foundation funding. Also, as media monitoring reports point out, both the language and content of journalism have become more neutral and striving towards understanding of the other counterpart.¹³

1. The Broadcasting Media: Reflecting upon or Creating Reality?

Media are neither passively reflecting upon reality nor an all-mighty tools for propaganda, but rather a part of a societal culture which provide a forum for a subjective interpretation of reality. What is on the agenda of this forum, as well as what is not, and who are participating as interpreters, as well as who are not –contributes to the perception of relations and roles of different groups in the society, as well as to the re-producing of the reality according to these perceptions.¹⁴

Although the forces at work in society and the wider world are more potent than the media or their immediate influence, it has been a historical feature of both radio and television that they are strongly related with political life and power centres of society, and are both popular and politically important. Their characteristics are believed to have significant consequences for the political organization and cultural life of contemporary societies. According to McQuail, in respect to politics, the mass media have gradually become:

- ?? An essential element in the process of democratic politics by providing an arena and channel for wide debate, and for distributing diverse information and opinion;
- ?? A means of exercising power due to the relatively privileged access that politicians and government can claim from the media

In respect to culture, the mass media:

- ?? Constitute a primary source of definitions and images of social reality and the most visible expression of shared identity;
- ?? Are the largest focus of leisure time interest, providing the shared ‘cultural environment’ for most people and more than any other institution.¹⁵

Academic media research may be divided into three main areas of study: the studies of media organisation, of media content and of audience (that is, the impact of media

content on the opinions, values, etc of the audience). In respect to the access of minorities and their representation in the media, the four issues studied most often are:

- ?? the possibilities for a minority group to have *access into the mainstream* (national) mass media to speak directly to the wider society, in its own terms;
- ?? the possibility for the group to be itself effectively *reached* by the communications media of the wider society;
- ?? the possibilities for a minority group to communicate *internally* and thus to become conscious of shared interests and identity and to organise for its own needs, or on its own behalf;
- ?? the *quality* of representation of the minority and its members individually in the mainstream media.¹⁶

The latter two aspects of minority access to media have improved in Estonia over the last couple of years,¹⁷ yet not the first two issues, as is also widely recognised. Therefore access into the mainstream media and the possibilities for the ethnic and linguistic minority to be reached by the wider society as well as by the government are the main focus of this paper. Hence, the main emphasis is on media organisation, as well as the legislative and regulations' framework within which the media institutions, particularly public broadcasting, operate. This report is less concerned with the actual content of *what* is being programmed and what are the messages forwarded, than with *who* is given the opportunity to create these messages – either on-screen or behind in the editing-room, as well as who is the presumed audience. Actually, these two are closely intertwined. Namely, the scope of audience in Estonian context – whom the programming (informational or entertaining) reaches - is nowadays still to a large extent determined by the language of programming as well as the perceived linguistic commonness of the viewer with the editors.¹⁸

As to the aspects of *internal communication* and the *quality of representation* of the minority, McQuail draws upon several studies on the use of media by ethnic minorities

and their expectations related to media access and performance, concluding that almost all ethnic minorities need and expect sympathetic coverage of their group in the already established media channels, as well as would like to respond and also speak, in their own terms, through established media.¹⁹ He asserts that the groups that most want autonomy do not usually want to be reached by the dominant media and want their own exclusive channels. In contrast, members of those groups which are willing to integrate (most commonly immigrants) and just expect fair treatment on equal terms with the majority, are less likely to demand their own media channels or to resist their incorporation into mainstream audiences.²⁰

The Russian-speakers in Estonia tend to widely recognise the territorial integrity of Estonian state - separation of minority inhabited areas has not been on the agenda for a decade already. Russian-speakers want and expect their children to learn Estonian and to become successful in Estonian society, but don't regard complete assimilation as a fair price. Nor is this regarded to be possible in the near future, as many parents don't expect to become fluent in Estonian themselves.²¹ However, there is recognition of lacking sufficient information about the Estonian society and state institutions, as well as expressed willingness to be more informed.²² Estonian Government itself has been critical of its own efforts to enhance national integration by and in the media sphere. In its report on implementation of the Programme in 2000, the Government observed that "the potential of the Russian-language media in the area of /.../ integration /.../ remains largely unused, due to the low viewership of programmes. The reason for this is the lack of financing for Russian-language television and isolation from its viewership." The same has been concluded by other studies.²³ Indeed, over 80% of the Russian-speakers watch the channels of the Russian Federation daily and only 27% follow the Estonian TV, whereas the trust in the latter is higher than in the former.²⁴ Why then is their exposure to Estonian audiovisual media so low? Is the Russian-speaking population simply uninterested? There are no studies which have dealt with specifically this matter, yet there are controversial opinions (brought out later, in the section on interviews) on what will be the answers.

There are no special provisions ensuring the availability of Russian-language print or broadcast media. On the contrary, the Law on Language even restricts television broadcasting in foreign languages, including Russian: "The volume of foreign language news programs and live foreign language programs without translations into Estonian /.../ shall not exceed ten per cent of the volume of weekly original production."²⁵ The law would allow programs with subtitles in Estonian, yet the list of Russian-language and bilingual programs on Estonian public television (ETV) consisted in 2002 of 5 programs a week (3 of them bilingual), including a program for children, on traffic issues, crime and two addressing social and political matters - each 30 minutes a week. In the autumn of 2003, only 1 bilingual and 1 Estonian language learning programme had remained on screen on ETV, in addition to the daily news of a quarter of an hour in Russian. Yet the latter is broadcasted 6 PM every evening which does not qualify as prime time. There are no local television channels in Russian, but cable television with channels transmitted from Russian Federation and a cable channel which includes partly transmissions and few locally produced informative programmes.

This brings us back to the language issue - the authorities seem to assume that anyone willing to integrate, be informed and participate in the public sphere (and there is one public sphere, the Estonian-language one) should at first learn Estonian language, not the other way around, not even that the processes of language learning and the accessibility of mainstream media complement each other and should be simultaneous. Thus, even though it is widely recognized that the potential of media has not been sufficiently made use of to facilitate the process of integration - whether the latter is understood as unidirectional or bilateral - little has been done to seek for improvement.

2. Post-National Public Sphere

Why seeking for more ethnic and linguistic inclusiveness in the media sphere, and especially public broadcasting, is an issue which deserves more attention and action than it has received so far? Most contemporary conceptualisation of democratisation rests on the belief that the existence of strong civil society and civic participation are essential for maintaining the democratic character of the affairs between the state and its citizens. Civil society, in turn, not only expresses itself, but actualises and constantly contests its aims and interests in the public sphere, which increasingly means in the space provided by the mass media. The mass media, thus, have considerable influence on modern societies, the reasons being that particularly newspapers, radio and television are, as described by McQuail:²⁶

- 1) a power resource - means of control and influence, especially as being the primary source of information which is of essential importance to the functioning of the modern society
- 2) the primary arena for public events and discussions, both on the national and international level
- 3) a major source of definitions, the reflector and creator of images of social realities, the location where the culture the societal or collective values are constructed, preserved and re-played
- 4) the provider of public version of normality - empirically and evaluatively - and deviance, by defining these categories through contrasts and comparisons made in the public

Even though serving as the main shared space for the civil society, this is not the only aim of the media, maybe not even an important one for most media organisations themselves. While the media are certainly not the only space available for public sphere, their role as providers of public sphere cannot be underestimated. Yet, how to define public sphere, particularly when taking into account the diversity of spheres in which impersonal communication takes place in contemporary societies? The notion of the

public sphere refers to the role of interaction among citizens in political decision-making. Habermas, who in his conceptualisation of public sphere is also concerned with the role of mass media, defines the public sphere as the realm of social life where the exchange of information and opinions of common concern take place in order that public opinion can be formed.²⁷ The conceptualisation by Habermas is most concerned with political as opposed to more general cultural public sphere, and sees this to become possible when citizens come together as public entities to discuss the issues of concern, particularly those of political concern. What is central to Habermas's concept of the public sphere is the existence of reasoned, rational and critical discourse. Thus, the public sphere exists in the active reasoning of the citizens, which influences and ideally also shapes the policies of the state and, more generally, the development of the society as a whole. In the context of advanced industrial capitalism and mass democracy, the notion of who constitute the 'public' has lost its exclusionist character.

Despite of many critical accounts on Habermas's definition and the possibility of an integrative contemporary public communication, especially due to the prevalence of mass media as increasingly commercialised, fragmented and void of coherence, the public sphere can still be seen as a space where citizens may participate, the degree of participation may well remain debated, in what may be metaphorically be called societal dialogues - in politics in a very broad sense. This space, and the conditions for gaining access to it, is in a modern impersonal society essential to and as well as an indicator for democracy. One could say that an inclusive and functioning public sphere is the fulfilment of the communicational requirements of a viable democracy.

That the public sphere cannot be understood as a sphere operating in isolation from other political, social, cultural and economic domains, is also emphasised by Habermas. The broader societal appearances both comprise its space and constitute the conditions of its functioning. The structural features of a society - whether it is egalitarian or not, inclusive or exclusive - obviously influence the character of public sphere. Also, like power and social hierarchical relations can influence the public sphere, such mechanisms may operate *through* the public sphere, which may reflect, as well as reinforce them.²⁸

Whereas it is important to situate the public sphere and the surrounding normative problematics within larger social contexts, the efforts at enhancing democracy in the contemporary ‘communicating societies’ - or ‘information societies’ as access to information has increasingly become a condition for being able to access other goods and resources - should without doubt incorporate a public sphere perspective as an indispensable and inseparable component of democratic striving. Increasingly so, as ‘the most fundamental questions of society - those concerning the distribution and exercise of power, the management of problems and the processes of integration and change - all turn on communication, especially the messages carried out by the public means of communication, whether in the form of information, stories or entertainment.’²⁹

As television has become, for better or for worse, the major institution of the public sphere in modern societies, media’s intertwinement with the state and society’s political character comes to the fore most clearly in the case of broadcasting. This makes the principles underlying the production process and the aspect of inclusiveness - whether the content is responding to the societal plurality – relevant for democratic politics as well.

Yet, even though television in the late modern setting has become the incessant producer of audio-visual discourses which have occupied a central position in our semiotic environment, it nevertheless operates as an industry. As an industry, it has to make profit and is one of the supreme vehicles for consumer culture. Hence, while television is the dominant medium for the public sphere, serving as a public sphere is not television’s dominant purpose. Whether the free market forces are the ideological bedrock for shaping the national public sphere (or at least for a significant part of it, namely the national television) is the question the people of each state have to ask themselves. In most cases, the need for a public broadcaster operating according to other principles and constraints than merely the consumer-oriented production has been recognised. Thus, the consensus behind the public funding of public broadcasters already overcomes the relying on merely the market forces and therefore has to assume the validity of some

other principles and values according to which compose its programming. The character of public broadcasting is usually shaped taking into account, among other factors, the more general aims of what the society wishes its public sphere to be like and the interests of different societal groups. This is the ideal which at least explicitly is not challenged in any liberal democracy, even though in the implementation process often not taken into account - whether because of practical difficulties, or, more often, because of the conflict between this ideal and other ideals and aims, for example the flourishing of the dominant national culture, like in Estonia as well as several other European countries.

It is precisely the relationship between several conflicting ideals and values that serve as a basis for the creation and sustenance of the public sphere in general, and its realisation in the publicly funded media in particular that is of concern here. To phrase the main problem shortly: if the aims of promoting the titular national culture as the constitutional obligation of the state (as it is the case in Estonia) and the ideal of the representativeness and inclusiveness of the public sphere, as one of the important requirements and features of a democratic state, come into conflict, which is the proper balance between the pursuit of these aims and the values underlying them, and why?

Even though I do not wish to deny the significance of either of these set goals or the validity of the set of values that form the justification for these aims, I attempt to demonstrate that in case of Estonia the relationship between them is not as unproblematic as is being claimed in governmental reports and in other documents supportive of the current State Integration Programme.

The position that continues to determine the integration policy in Estonia, claiming to be formed by instrumental and functional outlooks, holds that pre-political elements such as a collective identity, common evaluations and common interests, are needed to bring about social and political integration. The discourse-theoretical or deliberative perspective, on the other hand, endorsed mainly by the minority representatives and 'external' experts, focuses on the manner in which integration is fostered by legal

procedures and communicative processes *among* contestants, so as to enhance *shared* understanding and consent.

It seems that the basis of integration policy in Estonia is a rather communitarian conception of the resources that are required to ensure integration. Such required resources, as is asserted, assume ready access to shared values and strong pre-political sense of belonging. Such a presupposition and the conceptual strategy following from it cannot explain why complex and pluralist societies can remain coherent and unitary entities in the first place. Modern states may be stable and relatively well functioning, even if highly differentiated, pluralistic and containing multi-level structures of governance. They involve many different identities, affiliations and belongings. When viewed in light of these facts, the communitarian premises for the conception of order which seems to be held in Estonia becomes restricted. Multiethnic societies, and not only, but almost all modern societies these days, display a heterogeneous value basis. Why these societies do not fall apart may be explained, not by referring to shared values but by means of a more complex model of how allegiances are formed. This model has been explored and presented by many authors who attempt to conceptualise the possible ways of legitimising the 'post-national' state, both with the aim of accommodating the cultural plurality (in most cases ethnic/national/linguistic) within states, as well as to overcome the legitimacy deficit of the EU.

Among the authors engaged in asserting the 'post-national legitimacy' and evaluating it to be more responsive and successful in contemporary states, are Eriksen and Fossum who suggest that in integrative attempts it is necessary to distinguish between two kinds of social integration - cultural and political.³⁰ In their interpretation, the first denotes the kind of integration that is required for individuals and groups who seek to assert their identity - to find out who they are or would like to be. By this we have in mind the values and affiliations, history and language that form the 'glue of society', referring to cohesion in general and trust and solidarity in particular. This relatively substantial common ground or a set of shared affiliations and values transform a people into a group with a distinct identity, that is, it serves as the cultural substrate of the nation.

In Estonian Integration Programme, integration is defined as the ‘social harmonisation of society around a strong common national core based on knowledge of the Estonian language and Estonian citizenship’, and the desired outcomes are defined as ‘strong common national core, cultural pluralism, the development of Estonian culture’. This clearly refers to the pursuit of cultural (as opposed to civic-political), that is, a ‘thicker’ form of social integration. Even though several chapters of the Programme do indeed mention the need to restrain from interfering with the fostering of minority identities and culture, as well as the need for greater toleration in the society and appreciation of cultural diversity as an enrichment for the whole society, it remains unclear how to accommodate the latter with the understanding that ‘harmonising’ the educational systems means the gradual closing down of Russian-language high-schools, for example. The dominating discourses in the public sphere affirm the necessity of the pursuit of a strong national core based on Estonian language. It is more often than not assumed and claimed that homogeneity is an essential characteristic of a society in order to establish co-operation and even minimal common understanding about the public good.

Yet, it seems that the justification for endorsing such a view is far from self-evident. As suggested in refutations of the convictions of this kind, a distinction can be made between the cultural or value basis of a political order, which is dependent upon a particular identity, in this case national identity, and the constitutional order of such a society. The latter is not based on a particular set of values but on trans-cultural norms and universal principles, or to be more precise, relatively commonly accepted European norms, values and principles. This is particularly relevant in case of Estonia now as the country stands on the threshold of joining the European Union. The constitutional order claims to be binding for all citizens and to be approved by the various groups within society, despite of each of them holding a particular and distinctive identity(ies) and value(s). The descriptive justification behind such suggestions is that nation states are not merely ‘nation states’, but much more frequently are comprised of many groups - social, ethnic or religious - which hold different identities, values and loyalties. Such multinational or -cultural societies require a different level of integration - political integration which

makes it easier, or even possible - to come into terms with difference and collective decision making without backsliding into 'ethnocentric politics'.

The basic structure of constitutional democracies, then, does not only express certain values or conceptions of the good society, but in addition a conception of a society based on the rule of law. Different groups continue to live together and resolve conflicts because they agree on the basic rules and procedures that claim to secure fair treatment of the parties. Law is the only medium through which a 'solidarity with strangers' can be secured in complex societies.'³¹

At the level of values which have obtained a deontological standing in European societies, the justification is to be found in the way in which freedom, democracy, autonomy, equality, - that is, due process and equal respect for everyone - are to be considered essential conditions for every state, more strictly for those wishing to become members of the European Community. These are the principles, which it is a duty to comply with even if they could conflict with other values of the majority, particular conceptions of the good, roles, identities or certain utility calculations. There is, thus, not a conceptual link between ethnos and democracy, although there may be an empirical one as is still the case, for instance, in many (Eastern) European countries.

It is rather in this described manner that democracy and human rights are understood - rather as manifestations of cognitive-moral principles that command respect in and of themselves, and not merely as representative of cultural traditions and shared identities and meanings. These are the cornerstone of modern constitutional states in which constitutions serve to protect the citizens' freedom by safeguarding a host of individual rights which cannot be altered simply by a majority vote.

Moreover, as most notably Habermas, but also Eriksen and Fossum in their article assert, constitutional arrangements not only enable but also require and warrant popular participation in the political process. That is, they enable and warrant government by the people:

The democratic principle entrenched in modern constitutions, refers to the manner in which citizens are involved in public deliberations, collective decision-making and lawmaking through a set of rights and procedures, that range from freedom of speech and assembly to eligibility and voting rights. These political rights, and their attendant institutions and procedures may be seen as a way to secure the public autonomy of the individual. They ensure that the addressees of the law can also participate in the making of the law.

However, as modern states are large and pluralistic, their complex institutional composition presupposes representation and delegation of power as essential principles of governance. The fundamental democratic requirement cannot, therefore, be everybody's actual participation in decision-making processes, but rather the right of all to participate in deliberation on common affairs:

The criterion of democratic legitimacy is thus that the decisions that are taken can be seen as the outcomes of people's deliberation under free and equal conditions. Collective will formation does not require a set of shared values and opinions from the outset, but rather that all opinions are taken into consideration before a decision is reached, in order for democratic legitimacy to be achieved.

Democracy can be thus understood at a more abstract level: not merely as an organisational principle – e.g. representative or parliamentary democracy – but as a legitimation principle which sets down and ensures the conditions necessary for justification of particular decisions. It is not identical with a particular organisational form, but is rather a principle, which establishes the requirements for how to get things right in decision-making and governance, not only a way to form common opinions and collective will about what to do, but also a way to find out what is fair or just. In this respect arguing is required for a norm to be seen as impartial in a political sphere of action. Such arguing is one of the activities for which the public sphere, including the mass media, provides space for. Thus the importance of the requirements for an inclusive and representative public sphere - importance to the extent that it becomes the concern of

the state to not only refrain from hindering certain groups to participate, but also to actively support the presence of the plurality of points of views in the public sphere.

3. International Legal Instruments Guaranteeing the Participation and Access of National Minorities to Media

Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers. /Article 19, Universal Declaration of Human Rights 1948/

The right to freedom of expression is an essential human right as in significant part our identities are formed and depend on the possibility to create, hold and express our ideas and opinions. Yet, can the right to do so in the language of one's choice seen also as an essential right to be safeguarded by the state? The following chapter will be concerned with precisely this question - the content and further implications of, as well as the assumptions underlying the right to freedom of opinion and expression of one's opinions.

More precisely, the chapter will be dealing with the extent of this right with the regard for difficulties and ambiguities that arise for linguistic minorities in multilingual countries. The chapter will inquire into the international legal instruments and recommendatory regulations concerning the duties of the states not merely to safeguard freedom of expression for the national minorities from deliberate and explicit interference of the state or other institutions, but also to guarantee them the opportunity to employ this right. That is, even if this assumes certain interference by 'positive measures' to counterbalance the inequalities that the national (linguistic) minorities almost always are facing in providing broadcasting in their own languages. As the emphasis of this particular study lies in broadcasting funded by the public and provided for the public, which already assumes an active support from the state, the role and obligations of public broadcasters in meeting of the needs and interests of national minorities will be explored in particular.

3.1 Access to Media in General and Publicly Funded Broadcasting in Particular as a Component of Participation in the Public Sphere

Does having an identity presuppose the expression of this identity - both as an individual, and to go further, as a minority group as well? Even though the international legal instruments without doubt favour individual rights over group rights, they nevertheless do recognise language rights and the right not to be unfavourably distinguished on the basis of language, as well as race, religion, national origin or other distinctive characteristics. Despite that the relevant legal standards, not to speak of the implementing or monitoring mechanisms, are still in an early stage of development, the rights of expression of minority groups have received attention in several binding treaties, most importantly in the Framework Convention for the Protection of National Minorities and the European Charter for Minority Languages. Also, the direct consequence of Copenhagen Declaration is the obligation of the candidate countries to demonstrate convincingly that they are able to guarantee the protection of minorities. Thus, the situation of minorities in the candidate countries has been monitored closely, as well as the accession countries themselves have launched several significant programmes to improve the circumstances for the minorities or to facilitate a higher degree of integration in society. Copenhagen declaration sets out that:

/The parties/ consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

In case access of national minorities to public broadcasting, the regulating legal framework, codes of conduct and ethics, as well as the institutional composition of programme producers, who belongs to decision-makers of programming and other relevant boards, become relevant when evaluating the level of involvement and participation of minorities. Before proceeding with the legal instruments which are more specific on the relationship between the state, national minorities and (public) media, I will take a brief look at the principles underlying the requirement of engaging

representatives of national/ethnic minorities in the public life and decision-making, since the acceptance or rejection of these principles has considerable influence on which international legal instruments or recommendations will or will not be accepted and implemented by the state or the public, also in the sphere of media.

A comprehensive relevant instrument here is the Lund Recommendations on the Effective Participation of National Minorities in Public Life, which aims at, like the Hague and Oslo Recommendations before it, encouraging and facilitating the adoption by the states of specific measures to ease and prevent tensions related to national minorities. The standards have been composed specifically to provide ensured coherence of their application in open and democratic states. On the one hand, the state is expected to facilitate the inclusion of minorities within the society, on the other, to enable minorities to maintain their own identity and characteristics - the practice which is expected to promote the good governance and integrity of the state. The recommendations include, first, the outline of general principles, second, recommendations concerned with participation in decision-making, third, self-governance, and fourth, ways of safeguarding more effective participation of minorities in public life. The basic concept is to emphasise both the participation in governance of the state as a whole, as well as self-governance over certain set of local or internal affairs.

The underlying principle emphasises the importance of effective participation of national minorities in the public sphere as an essential component of peaceful and democratic societies:

When creating institutions and procedures in accordance with these Recommendations, both substance and process are important. Governmental authorities and minorities should pursue an inclusive, transparent, and accountable process of consultation in order to maintain a climate of confidence. The State should encourage the public media to foster intercultural understanding and address the concerns of minorities.

The further obligations set down in the document find their justification in experience in Europe which has shown that, in order to foster such participation, states often need to

establish specific arrangements for national minorities. Since the endorsement of Helsinki Final Act in 1975, the OSCE participating states have emphasised the fundamental link between respecting as legitimate the interests of persons belonging to national minorities and the maintenance of peace and stability. This link has been confirmed in numerous basic documents.³² At the level of the United Nations, the link between protection and promotion of minority rights and maintenance of peace and stability is reinforced, among other provisions, in the preamble to the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Thus, full opportunities for the equal enjoyment of the human rights (political rights and right for freedom of expression most explicitly) of persons belonging to minorities also requires their actual and effective participation in decision-making processes, particularly with regard to those decisions specifically affecting them. The Copenhagen Document commits states to take further steps in situations in which ordinary democratic processes may turn out to be inadequate to respond to the needs of minorities as experience has sometimes shown - the OSCE participating states 'will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities'.³³ Furthermore, according to 1992 UN Declaration on Minorities, 'persons belonging to minorities have the right to participate effectively in /.../ public life', as well as 'the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live',³⁴ and, the Framework Convention for the Protection of National Minorities commits the parties to 'create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.'³⁵

Such inclusive and participatory processes are interpreted to serve the objective of good governance by responding to the interests of the entire population - by weaving all interests into the structure of public life and ultimately strengthening the integrity of the state. The basis of this conviction is the understanding that in the framework of

democracy, the process of decision-making is as important as the substance of decisions made:

Since good governance is not only of the people but also for the people, its processes should always be inclusive of those concerned, transparent for all to see and judge, and accountable to those affected. Only such processes will inspire and maintain public confidence.³⁶

It is further emphasised that inclusive processes of decision making require conditions of tolerance. Not only does a social and political climate of mutual respect and equality need to be safeguarded by legislation, but also be fostered as a social ethic shared by the whole society:

/the states/ shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, /.../ in particular in the fields of education, culture and the media.³⁷

Ideally, the representatives of the affected community ought to be involved in the choice and design of any measures taken to achieve the abovementioned aims, and this requirement also applies to media - thus, the freedom of expression in the media, as well as the representativeness of the whole population in the media as one of the domains of the public sphere become important preconditions of creating and maintaining the democratic character of a state.

3.2 The Negative and Positive Obligations of the State Towards its Minorities' Access to Media

The right to freedom of expression through any media - what does it mean and how is this right safeguarded?

First, we can speak of the notion of protection of ‘negative freedom’ - restrictions on governmental or other interference with the individual’s right to expression and the use of this right through the media. This is a right which belongs to all individuals within any state or society, including members of minority groups. International and democratic liberal national laws strictly establish the duty to permit private persons and groups of persons to found media enterprises. This applies to full extent to printed media – as a rule, there can be no requirement that printed media have a licence to be published. Even though the state may require some registration, this can be only for administrative purposes, and there may be no restrictions whatsoever on publishing. In case of vilification, the publisher may be fined according to relevant legislation - to control the use of hate speech, for example - yet it cannot be banned from publishing in the future as this would interfere with future freedom of expression.

The Framework Convention for the Protection of National Minorities obliges the governments to guarantee that members of minorities enjoy the right to freedom of expression and information:

The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.

Nevertheless, the governments may require television and radio broadcasters to have licences for operating, the justifications being that the number of available frequencies is limited and the requirement for the government to ensure media plurality. Given the scarcity of frequencies, certain broadcasters will have to be given preference over the others if they address and express the interests and satisfy the needs of different groups, such as of minorities, which would otherwise be marginalised. However, with the rapid development of technology and expanding opportunities for broadcasting, this argument becomes increasingly difficult to sustain.

Secondly, the state's obligation to ensure 'positive freedom' of expression for the minorities needs to be explored - does the government, in addition to a duty to refrain from unjustified interference with the right to media freedom, have also a role in promoting this right?

There is an obvious obligation to ensure that the legal, economic and logistical environment is optimal for media freedom and fostering media pluralism. The European Court, for instance, has noted on numerous occasions that the state is the 'ultimate guarantor' of the principle of pluralism in general, and that one way to ensure the implementation of this principle is to foster the plurality of voices in the media. Thus, if the preservation of plurality is to be seen of public interest - as it is usually claimed to be - the state has on the one hand the obligation to refrain from undue interference with the freedom on media, on the other hand, to prevent private interest groups as well from interfering with media freedom and diversity of media. The latter obligation provides for the use of some narrow restrictions on the comprehensiveness of the right to the use of media - in the interests of protecting privacy, personal reputations or national security, as well as for the sake of protection of minors and minorities. However, these restrictions must be clearly defined by law and be clearly essential for a democratic society. These do not include interference with editorial independence, questions of the truthfulness of opinions and of good taste.

Even though it is dubious to argue that all particular individuals or groups should have access to public broadcasting, it is much more evident that public media must not discriminate between groups in coverage or access to media-making. Although the European Convention on Human Rights does not grant the general right of every private citizen or organisation to access the broadcasting media any time, it does, for example, lay down the principles for fair distribution of broadcasting time between the political parties as different interest groups.³⁸ The provisions to guarantee the fairness in access for different political groups are rather well-elaborated in most European public broadcasters' statutes, as well as in national legislation. Can the same conclusions be

reached in case of national minority groups? Should they also benefit from the same right of non-discriminatory access as do political parties?

The answer depends not only on the interpretation of the existing set of instruments defining the rights of minority groups to have access to the mass media, but is complemented by other specific obligations of governments towards minorities, including the right to enjoy their own culture, have equal access to education and participation in cultural activities, to enjoy equal access to public property and public services. The UN report on various minority protection and discrimination prevention measures states:

Members of different groups should enjoy the right to participate, on the basis of their own culture and language, in the cultural life of the community, to produce and enjoy arts and science, to protect their cultural heritage and traditions, to own their own media and other means of communication and to have access on the basis of equality to the state-owned or publicly controlled media.³⁹

The Framework Convention as well does not only prescribe that the state shall not hinder the creation and use of printed media by members of national minorities, but shall ensure, in the legal framework of sound radio and television broadcasting, that they are granted the possibility of creating and using their own media:

In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.⁴⁰

This includes not only permitting but also subsidizing minority language newspapers and periodicals, already practiced in many European states. Access to electronic media becomes increasingly important as well. Thus, the Framework Convention clearly emphasizes the positive obligations on governments to facilitate the access of national minorities to the printed as well as broadcast media, which is a significant step further from previous minority protection instruments.

The European Charter for Regional and Minority Languages is even more specific on the rights of access to electronic media. Whereas emphasizing the principle of the independence and autonomy of the media and the public service mission of radio and television, it obliges the parties to take the following steps:

- i. to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or
 - ii. to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
 - iii. to make adequate provisions so that broadcasters offer programmes in the regional or minority languages;
- /.../
- c. ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
 - d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
 - f. i. to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or
 - ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
 - g. to support the training of journalists and other staff for media using regional or minority languages.'

Also, importantly enough, the Charter requires the parties to ensure that the interests and needs of the speakers of minority languages are represented within the decision-making bodies, (for example, in the Broadcasting Board) 'as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of media.'⁴¹

Is there not a potential conflict between freedom of expression and the role of governments in promoting minority rights in and through the media? After all, the right to freedom of expression limits the control which governments may exercise over the media. What can be considered, then, obligations in the exercise of which the two rights do not contradict?

First, the governments have to make sure that all regulatory control over media does not discriminate against minority. Second, they must ensure that media regulations do not have the effect of hindering minority access to and use of media, a question which becomes most difficult when the minorities speak a different language than that of the majority and have a poor knowledge of the titular language. Third, governments are obliged to prevent and monitor that the private media enterprises are not discriminative against minorities, in their recruiting policies, for instance. Fourth, the governments are under the obligation to take positive measures to reduce and eliminate discrimination in the media sphere as well as in the society in general - one way to accomplish this is to make their efforts visible in the media. Ensuring equality of opportunity in the media sphere can be achieved by various means, such as making efforts in following the principle that the composition of regulatory bodies, such as boards of public broadcasters are representative of the whole society, minorities as well.

Further steps to ensure equality of access to media, both enjoyment of it and participating in the media production process, through affirmative action in support of minorities is endorsed by international legal instruments as well,⁴² and is not considered contradictory with the set principles of equality, freedom of expression and freedom of media. The UN Human Rights Committee has commented on affirmative action programmes to support minorities:

As long as those measures are aimed at correcting conditions, which prevent or impair the enjoyment of the rights guaranteed under article 27 /of ICCPR/, they may constitute legitimate differentiation under the Covenant, provided that they are based on reasonable and objective criteria.⁴³

The European Charter for Regional and Minority Languages too obliges the parties to undertake measures to eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the preservation or development of it.⁴⁴ Furthermore:

The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

Similarly, the Copenhagen Document prescribes the parties the protection of the ethnic, cultural, linguistic and religious identity of national minorities on their territory and, furthermore, the creation of conditions for the promotion of that identity.⁴⁵ Thus, the Copenhagen Document also emphasises the positive obligations of the states in safeguarding the individual rights of members of minorities (40.3): the parties will ‘take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information’.

3.3. Recommendations

In addition to legally binding regulations, there are a number of other instruments such as recommendations of the Parliamentary Assembly and the Committee of Ministers of the Council of Europe which set out principles to be considered and standards of good practice. Three of these recommendations will be brought out briefly as carrying both some political and moral importance after Estonia’s accession in May 2004.

Recommendation 1277 of the Parliamentary Assembly on migrants, ethnic minorities and media, adopted 30 June 1995, advises the member states to encourage both public and private media to display objective coverage of ethnic minority issues and thereby discourage racism and xenophobia. It also urges the vigorous enforcement of the anti-racism and anti-fascism legislation. Furthermore, the Recommendation invites the member states to develop, in co-operation with the media industry, teaching and training programmes to facilitate the employment of persons belonging to ethnic minorities in order that they would have a genuine chance of pursuing a career in the industry.

Recommendation No. R (97) 21 on media and promotion of a culture of tolerance, adopted by the Committee of Ministers on 30 October 1997, re-emphasises the role of media in fostering understanding between different ethnic, linguistic and religious communities. It invites the member states to promote the multicultural character of the states and stresses in particular the special commitment that public broadcasters should share in adopting multicultural programming policy. The Recommendation acknowledges that professional ethics and practice play the main role in implementing these policies. Yet, it also encourages the public authorities to support training and raising the awareness on questions of minorities and to co-operate with journalists in promoting a culture of tolerance.

Recommendation No. R (99) on measures to promote media pluralism was adopted by the Committee of Ministers on 19 January 1999. It highlights the role of media, in particular public broadcasting, in enabling different groups of the society, including linguistic and ethnic minorities, to express themselves and to be heard. In order to achieve that, it proposes several measures such as direct and indirect financial support schemes for printing and broadcasting in minority languages, emphasising in particular the role of local and regional media as the key to pluralistic media content.

The right to produce and disseminate minority language publications, radio and television programmes and the right of access to public media are a fundamental component of minority rights protection. The European Union has not elaborated any strictly obligatory standards with reference to minority use of or access to media as the existing legal instruments rather set down the *guiding principles* for supporting national/linguistic minorities in their strive to establish their own media channels or participate more actively in the mainstream public media. Whereas it is important enough that the international legal instruments and norms oblige states not to restrain the flourishing of private minority media and to take measures to promote minority access to public media,

there are still a few weaknesses that these recommendations and legal instruments share and which might lead to an outcome that the regulations do not succeed to meet their aims.

One of the most commonly criticized shortcomings of the international legal instruments is that they leave the definition of who constitute a ‘national minority’ in the first place, fairly open. Hence, not only the implementation of international norms but also their actual compliance with the national legislation largely depends on the good will of the particular state in question. First, the national legislators may rather freely choose their definition of who is a national minority and who is not (to come back to the point made above: do ‘strong ties with the territory’ and ‘traditionally residing in the territory’ refer to bonds of 10, 50 or even 100 years?). Similarly, the same problem arises in recognizing a minority language as indeed a minority language by law, and thus, that the speakers of this language would be entitled to certain rights, including the right to their own broadcasting or programming time on the mainstream public broadcasting channel. The European Charter for Regional and Minority Languages in particular emphasizes that its provisions do not apply for the languages of immigrants, which is a relevant specification in case of Estonia, as there is still no agreement between the different nationalities within the country, nor between several international organizations and Estonian government whether the mostly Russian-speaking communities should be regarded as immigrants or national minorities.

3. 4 Public Broadcasters and the Principle of Media Pluralism

In addition to the state’s duty to refrain from interference with freedom of expression and establishment of minority media enterprises as well as the obligation to promote minority participation in the mainstream media, the broadcasters are also expected to ensure plurality - the requirement often present also in the relevant national legislation. This concerns primarily public broadcasting services which should provide varied and

balanced radio and television programmes for *all* members of society, including national and other minority groups.

A number of international documents emphasise the role of public service broadcasters as safeguards of pluralism by ensuring a flow of information from a variety of sources, and their contribution to promoting diversity by serving as a forum for wide-ranging public debate, innovative programming and as an outlet for local production. More specifically on the importance of media pluralism, the European Court of Human Rights has stated:

/imparting/ information and ideas of general interest /.../ cannot be successfully accomplished unless it is grounded in the principle of pluralism.⁴⁶

Public service broadcasting is public by definition - for the public and by the public, and conceived as a public sphere essential for a well-functioning democratic society. To ensure the 'public' nature of broadcasting, including the serving of public interests as defined in a democratic context, the following requirements must be met:

- ?? the independence of public broadcasters is guaranteed by implementing and monitoring structures such as *pluralistic* internal boards and other independent bodies
- ?? public service broadcasters as well as the monitoring structures must be directly accountable for the public

These requirements address one of the key threats to the success of publicly-funded broadcasters on their way of serving 'public interests' - the attempt by the government or other stake-holders to exert control over public broadcasters. However, reduction of this risk is not sufficient only by itself, as another factor threatening to undermine the independence and quality of programming is the problem of low budgets and the threat of them being decreased.

Despite of frequent criticism targeting cost-effectiveness and efficiency of public broadcasters, commitment to publicly-funded programming nevertheless remains strong, the indicators being public support, viewing statistics as well as government funding. One of the reasons is that these broadcasters have a better potential providing quality programmes that would cover a relatively wide range of interests, as the market is not the only stakeholder. In 2000, the Council of Europe established a working group - Advisory Panel on media diversity - to contribute to the work of the Council of Europe Steering Committee on the Mass Media (CDMM), and the Panel highlights in its report that:

- ?? It is clear that a competition law approach alone is not sufficient to ensure media diversity; sector-specific media ownership measures and regulations are necessary and will contribute positively to media pluralism objectives;
- ?? public service broadcasting has an essential role to play in this respect;
- ?? states need to strengthen national regulators and authorities responsible for ensuring and protecting media pluralism. Constant monitoring and proactive policy-making by member states are required.⁴⁷

The question of the role of public service broadcasting - is its financing justified in the first place? - has become a controversial issue in Estonia, yet providing extensive evidence on the importance of the existence and high quality programming of one falls out of the scope of this paper. However, as has been emphasised in the preceding chapters as well as will be in the following ones, there are many respects in which public service broadcasting has a significant role in the society which the private media industry today has not yet managed to take over.

For example, as a rule, a key task of public broadcasting institutions is to provide quality broadcasting which meets the informational, educational and entertainment needs of the *entire* population, regardless of where they reside in the country, while simultaneously respecting diversity. Often also 'promoting diversity' may be set as an eligible aim. This means that public broadcasters are expected to provide a variety of programmes - and in this respect they differ from private commercial broadcasters who are oriented towards

low cost options and therefore often do not meet the needs of various minority groups. The obligation to ensure diversity in programming, it can be argued, derives from the public's right to know and to ensure that the public has access to information about a wide variety of concerns and matters.

A Resolution of the Council and of the Representatives of the Governments of the Member States of 1999 elaborates on the role of public service broadcasting, which, in view of its cultural, social and democratic functions has a vital significance for ensuring democracy, pluralism, social cohesion, cultural and linguistic diversity. Furthermore:

Broad public access, without discrimination and on the basis of equal opportunities, to various channels and services is a necessary precondition for fulfilling the special obligation of public service broadcasting.⁴⁸

and

Public service broadcasting must be able to continue to provide a wide range of programming in accordance with its remit as defined by the Member States in order to address society as a whole.⁴⁹

The Council Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities states:

it is essential for the Member States to ensure the prevention of any acts which /.../ may create dominant positions which would lead to restrictions on pluralism and freedom of televised information and of the information sector as a whole.⁵⁰

Diversity in general, not only media diversity, is highlighted as a shared European value. The Charter of Fundamental Rights of the European Union states: 'The Union shall respect cultural, religious and linguistic diversity.'⁵¹ Even though diversity is often respected and even valued in general statements, not too many legal documents nor even

policy or academic papers specify what they mean by diversity and why it is important to safeguard diversity, in our case, media diversity.

Generally, media diversity can be evaluated in the light of four main dimensions:

- a) of formats and issues; referring to differences of media functions, such as entertainment, information, education;
- b) of contents, that is, covering various standpoints, impartiality of programming;
- c) of persons and groups: essentially access, but also representation;
- d) of geographical coverage and relevance;

Pluralistic mass media can contribute to diversity in three main ways: by reflecting differences in society; by giving *access* to different points of views and by offering a wide range of *choice*. The four dimensions and the three outcomes are helpful criteria when evaluating the level of media diversity, and whether this in a country corresponds to the requirements set for EU member states and accession countries.

The principle of *diversity as reflection* refers to that mass media are expected to reflect or represent the prevailing differences of culture, opinion and social conditions of the population as a whole. *Diversity as access* can be defined as the media 'making available' channels through which separate 'voices', groups and interests which make up the society can speak to the wider society, express and keep alive their own cultural identity, where that is relevant. It is often by way of this kind of access that critical, oppositional and deviant voices, which are essential to change and to choice, can be heard.⁵²

In addition to attributing to diversity value for its own sake, it can also be seen as a means to attaining other benefits. McQuail brings out the perceived links of diversity to freedom: 'Public freedom of expression for individuals and self-determination for groups is likely to require (and lead to) a substantial degree of media pluralism.'⁵³ In public opinion as well the two values are seen to be strongly connected to each other.

When we speak of the significance of media diversity, the underlying beliefs tend to relate progressive social change in several ways to diversity. Innovation, creativity and originality in all fields of social and cultural life are unlikely to exist without diversity within a society and also over time. *Equality* as well presupposes diversity (and vice versa), since diversity is generally regarded a relativising concept, opposing dominance and cultural superiority. Particularly when the focus is on mass media, on-screen diversity contributes to the perception that there are many legitimate forms of conflict which may contribute to change and progress, it depends on considerable tolerance for diversity of expression whether or not they are not to lead to instability.

Media are an important arena in which to mirror plurality and conflict in other terms and frameworks than as a seed for violence and excuse for intolerance. McQuail emphasises that paradoxical as it may seem, diversity can also help in resolving social conflict and promoting social peace: without the possibility of *pluralistic* solutions, many conflicts could not be resolved. In general, media diversity contributes to social order by promoting free expressions of discontent or disagreement and by offering pathways to compromise.⁵⁴

To return to EU level policy-making, in its report, the Advisory Panel to the CDMM addresses the significance of diversity of culture as an aspect of pluralism in the following way:

- ?? In Europe, cultural diversity is an integral part of European cultural identity. The ability of the media to reflect the cultural diversity depends on the plurality of the media
- ?? Uniformity in the media strengthens the tendency to conformity and weakens the ability to assess other perspectives and alternative opinions. /.../ The reflection of cultural diversity in the media strengthens the sense of European identity and the citizen's ability for democratic participation.⁵⁵

This, I believe, is an important premise, in addition to recognising the basic right of freedom of expression, that lies in the very core of EU-level regulations and recommendations concerned with ethnic/national/linguistic minorities and their access to the mass media. Yet, the practises on a national level hardly ever seem to follow the laid out principles or live up to provisions of Broadcasting Acts (if they do exist) that are intended to promote minorities' access to media. However, there has been increasing willingness in a few countries to implement these principles and promote a more pluralistic public sphere, including making the media to reflect the diverse groups of society.

4. Good Practices Implemented: the Netherlands, Great Britain and Sweden

One of the leading countries in promoting media diversity and the access of ethnic minorities to local as well as national media is the Netherlands. As the Dutch regulations are intended to facilitate the access and participation for immigrants, not only (historical) national minorities, the example of the Netherlands is particularly relevant when considering future policy options for Estonia.

In the Netherlands as well, like in Estonia, the promotion of national culture and language are considered to be important. The Dutch Media Act states:

Establishments, which have obtained broadcasting time, shall devote at least 50 percent of their television broadcasting time to the programs originally produced in the Dutch or Frisian language.⁵⁶

At the same time, the Media Act includes among other tasks of public broadcasters to provide a balanced picture of society and to 'contribute to the development and dissemination of the socio-cultural diversity of the Netherlands.'⁵⁷ Media Decree prescribes that public broadcasters shall devote at least 20 percent of television and 25 percent of radio airtime to programmes for or relating to ethnic and cultural minorities.⁵⁸ In addition to the role of providing a balanced reflection of the social, cultural, religious

and spiritual diversity of the Netherlands, the public broadcasters have to state in their annual budgets the amounts to be spent on programmes aimed at minorities.⁵⁹

In the opinion of the Dutch government the national television, rather than separate minority channels, is perfectly suited to fulfil the function of including minorities on-screen as a part of present reality in society. 'It demands attention for the multicultural nature of society over the whole range of programmes. National radio offers more room for segmentation, but here too, there should not be any isolated 'ethnic minority' or 'native majority' broadcasting practices on individual stations.'⁶⁰ There is also a requirement that in municipalities where the number of migrant inhabitants is high, they have to be optimally represented in the local broadcasting organisations' policymaking bodies. Programmes for minorities have been classified as a mandatory programme category to which local broadcasters must devote 50 percent of their broadcast time since 2000. The implementation of these requirements are increasingly frequently overseen by the Media Authority.⁶¹

There have been several programmes and projects, in addition to regulations, initiated and carried out in the Netherlands to promote the visibility and access of ethnic minorities in the media, including the mainstream media. These include training programmes for members of minorities, media monitoring, support for minority programming on the national as well as local broadcasting channels. In 2001-2005 the Fund for the Promotion of Cultural Broadcasting in the Netherlands continues training young people with minority ethnic background. In addition to increasing the number of local public broadcasters in the four large cities, the media and minorities policy implementation budget was raised from 2.3 million EUR in 2000 to 3.8 million EUR in 2001.⁶²

The Netherlands Press Fund has instruments and resources at its disposal to realize the press policy objectives laid down in the Media Act. The Press Fund has pointed out difficulties that the ethnic minorities face in receiving and distributing information: few members of these groups read Dutch newspapers or watch Dutch television, not only due

to the language issue, but also because they find too little there that relates to their own lives. Since 2002, the Fund has had more resources at its disposal to pluralize the press industry, and it is permitted to assist new newspapers oriented to cultural minorities to improve their access to information. An annual sum of 0.6 million EUR is available for this purpose, in addition to this 0.26 million EUR to stimulate minority-oriented journalism on the Internet.⁶³

The Netherlands probably also has the most active organizations engaged in improving the situation with regards to media and minorities. The most outstanding ones, involved in research, policy-making and launching several national and European projects, are *Stichting Omroep en Alloctonen* (STOA), 'On-Air/More Diversity in the Media' and *Meer van Anders* (Bureau for portrayal and diversity, now a structural body of the public broadcaster). These organizations have initiated numerous training programmes, served as mediators between media industry and individuals from ethnic minorities, provided management counselling, as well as released research and policy reports. The national funding for these organizations, often serving as umbrella institutions for grass-root initiatives, has been complemented by EC funding.

The national broadcaster of Great Britain, the BBC, has in place the Equal Opportunities Department which observes and documents the state of employment and the access of ethnic minorities to jobs in the television industry. In other states, the employment statistics for ethnic minorities in the audiovisual media industry often remain on the level of estimating and making approximate evaluations. The reason is partly that there has never been systematic data collection regarding employment of ethnic minorities in the broadcasting industry, and partly also because it has been claimed to be inappropriate to keep records of employees' ethnic background. In Great Britain, the principle behind such inquiries is that the proportion of an ethnic minority present in the overall population should be reflected also in the staffing of a broadcasting organization. Since 1997, when this aim was set, there has been significant success in pursuing it, the final goal being that at least 8 percent of its staff should have a minority ethnic background. However, as the situation in private broadcasting companies is very different, the

regulatory body responsible for allocation of broadcasting licenses has included a specific demand for equal opportunities for ethnic minorities in Broadcasting Act (Section 38).

The Swedish Broadcasting Corporation (SR) is a public service company and the leading information media company in Sweden. It also has the largest audience. The Swedish government bill 'A Radio and Television Serving the Public 1997-2001, states that 'public service shall contribute to the process of integrating new ethnic groups into the Swedish society and increase their possibilities to take part in the social and cultural debate.'⁶⁴ The bill also highlights the obligation of public broadcasters to work actively to make recruitment and composition of the staff to reflect the plural cultural nature of society. The general guidelines include advocating further efforts in reflecting the Swedish multicultural programming in public broadcasting: 'SR is of the opinion that the Swedish multicultural society is best reflected in SR's programming as a natural ingredient in all kinds of programmes. However, this approach to programming and production does not substitute programmes on ethnic minorities.'

The concrete steps that each department should take to increase the participation of people with minority ethnic background in the media industry include:

- ?? drawing an annual action plan demonstrating measurable goals and concrete measures;
- ?? continuous evaluation of measures undertaken and feedback from employees as well as audience;
- ?? strengthening contacts with schools and ethnic minority organisations in order to seek for people who could contribute;
- ?? actively seeking for employees among minority ethnic groups, including when looking for experts, commentators or other experts;
- ?? using persons with immigrant background in other roles than representatives of minority groups, that is rather as citizens, experts, commentators, business leaders, etc;

The policy also includes making it a responsibility of the employer to take concrete steps in case of suspected discrimination or harassment, as well as the right of the person who suspects of being subjected to discrimination to be assisted by a trade union or other institutions.

Even though SR does not know exactly the proportion of employees with ethnic minority background as it is not allowed to register the ethnicity of personnel, each department is required to establish an annual recruitment plan which clearly shows how to increase the number of staff member from ethnic minorities.

It is believed that bringing more diversity in terms of people with diverse ethnic backgrounds on screen will also have a positive influence on the attitudes and values of the majority, as well as increase the popularity of mainstream media among minorities, provide them with more information about the affairs of society and better chances for their members to take full advantage of the opportunities to participate in the public sphere in general. Yet, such programmes and policies are so recent that their long-term impact is difficult to evaluate.

5. The Legal Instruments Regarding National Minorities and Their Access to Media: Compliance of Estonian Legislation with Relevant International Norms and Legislation

The political criteria for accession to be met by the candidate countries, as laid down by the Copenhagen European Council in June 1993, stipulate that these countries must have achieved “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.” In general, throughout the accession region, the legislative framework does not guarantee minority access to media, with some modest exceptions. Hungary, for example, obliges public media to give half an hour weekly to representatives of each recognised minority and provides them with a place on the national television radio boards.⁶⁵ Polish Broadcasting Act requires only the public media

to “take into consideration the needs of national minorities and ethnic groups”.⁶⁶ In the Czech Republic, Television and Radio Laws obligate the broadcasters to promote to the development of both the Czech national identity as well as to the identities of national and ethnic minorities.⁶⁷ The Broadcasting Act of Estonian Republic states among the obligations of Estonian public television (ETV) to satisfy the information needs of all nationalities, including minorities,⁶⁸ but this is almost as specific as it gets in legislation relevant for media access for minorities.

In its 2000 Regular Report on Estonia’s progress towards accession, the Commission concluded that Estonia continues to fulfil the Copenhagen political criteria. The report states that Estonia has addressed most of the short-term priorities of the 1999 Accession Partnership, including the introduction of amendments to the Language Act and the adoption of the State Integration Programme for non-Estonians.⁶⁹

Estonia has ratified most of the major international conventions in the field of human rights. Estonia signed the Framework Convention for the Protection of National Minorities in 1993 and ratified it in 1997. The European Charter for Regional and Minority Languages has been neither signed nor ratified despite of the pressure from national NGOs, international organisations such as Helsinki Committee, OSCE, ECMI and ECRI, and the fact that over a quarter of the population has as their mother-tongue language other than that of the official state language.

Neither has Estonia signed the UN Convention relating to the Status of Stateless Persons. In November 2000, Estonia signed Additional Protocol no. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms which prohibits discrimination on any grounds. Yet, EC remarks that no development can be reported in the transposition of EU anti-discrimination legislation.

Regarding the legal and institutional framework relevant for safeguarding the rights of ethnic minorities to equal opportunities, the following steps have been taken. The Office of Legal Chancellor was established in 1992, its functions being the supervision of the

application of all laws in relation to the Constitution. In 1999 the Legal Chancellor also carries the functions of Ombudsman, including the investigation of complaints concerning discrimination on various grounds. The Ombudsman also undertakes the reviewing of media and of the presence civic participation in the process of drafting legislation. Yet, there is no specialized body with the specific responsibility to address racism and intolerance.

The Presidential Roundtable was set up in 1993 to perform as a forum for discussion on issues concerning national minorities. The objective of the Roundtable is to work out recommendations and proposals concerning:

- 1) the formation of a stable and democratic society in Estonia, as well as the integration into Estonian society of all people who have linked their lives to Estonia or wish to do so;
- 2) the resolution of the social-economic, cultural and legal problems of citizens of third countries and stateless persons permanently residing in Estonia as well as of ethnic minorities;
- 3) support for persons seeking Estonian citizenship;
- 4) the resolution of questions related to the learning and use of the Estonian language;
- 5) the preservation of the cultural and ethnic identity of ethnic minorities residing in Estonia;

There have been some concerns expressed that the Presidential Roundtable has become a merely 'decorative' body as its role is limited to providing advice and recommendations on minority-related policies. The Roundtable as an institution has rarely spoken up in the public, addressing problematic issues or providing alternative perspectives on tackling the sensitive difficulties in the society, even less addressing critically the citizenship or integration policy of the state. The institution's statements have rather been related to particular and less controversial issues, whereas it is not fulfilling the role of comprehensively addressing the state policies or majority-minority relations.

However, the EC report also notes that Estonia needs to ensure that the implementation of the Language Law (see below) takes place in accordance with international standards and the Europe Agreement and that the capacities of the Ombudsman, in particular as regards the protection of minorities need to be reinforced. ‘Estonia should maintain the momentum of the integration process. This includes ensuring the efficiency of the naturalisation process, providing access to language training, and *raising awareness of the issue across the entire spectrum of Estonian society*’ (italics added).

Estonia is a party to the Council of Europe Convention on Transfrontier Television and its amending Protocol. The EC Progress Report on Estonia concludes that Estonian legislation is largely aligned with the *acquis* on audio visual policy.

European Commission against Racism and Intolerance (ECRI), in its report on Estonia in 2001, draws attention to that although severe and violent manifestations of intolerance are not a common occurrence, there is still a lack of sense of Estonia as a multinational society in which minorities are an integral part. ECRI expresses concern that in proportion to their numerical size Russian-speakers are seriously under-represented in political life and the governmental administrative structures, as well as private businesses and other elite groups in the society.⁷⁰

In its report, ECRI recommended the Estonian Government, among other measures to be undertaken to improve the situation of the persons belonging to minority ethnic groups, to make better use of the potential positive role of the mass media as a facilitator of the integration programme, and furthermore, the promoter of a shared public sphere. The general recommendation is to take measures against the still ‘conspicuous segregation of the media of different languages’. ECRI brings out the regrettable occurrence that most of the Russian-speaking population does not follow the Estonian media and receives their daily news from other sources. The report also criticises the Language Law which limits the proportion of weekly original production in other languages than Estonian to 10%, unless provided with subtitles in Estonian. The report explicitly indicates that the proportion of Russian-language programmes in the public television channel is much

lower than it should and could be, and that the achievable goals should be to provide translation by subtitles for more Estonian language programmes, particularly those of informative nature and of importance on social cohesion. ECRI also proposes the practise of publishing identical articles in both, the Estonian and the Russian language press at the same time to promote debates which would interest and motivate both groups to participate in the public sphere.⁷¹

When evaluating the compliance of Estonian legislation with the available and/or already binding international and European legal instruments relevant for guaranteeing the national minorities' access to media, the first difficulty in the case of Estonia arises, as mentioned above, with the legal definition of national minorities. Article 1 of Chapter 1 of Law on the Cultural Autonomy for National Minorities states:

This law considers as national minorities citizens of Estonia who:

- reside on the territory of Estonia;
- maintain longstanding, firm and lasting ties with Estonia;
- are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics;
- are motivated by a concern to preserve together their cultural traditions, their religion or their language which constitute the basis of their common identity

Article 2 specifies that 'National minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with a membership of more than 3000'. Thus, as more than half of the native Russian-speakers are not citizens of Estonia, these individuals cannot really benefit from the rights attributed to national minorities by this law. Even though it could be argued that when among the citizens the number of persons belonging to national minorities is sufficient to establish a cultural autonomy, the residents who are not Estonian citizens can also enjoy some of the benefits accompanying this status, we have to keep in mind three different problematic aspects of such a restricted definition.

The first one is a matter of principle - considering the unique situation where a significant proportion of the population is considered by the majority and considers itself to be of different ethnicity and culture, speaks a language different from the titular one and yet has longstanding, firm and lasting ties with Estonia despite lacking the status of a citizen (importantly often not by their own choice), the existing definition of a national minority has clearly the aim of hindering the pursuits for establishing a cultural autonomy or other activities related to maintaining a distinguishable ethnic identity rather than encouraging the attempts which should be the intent behind such a law. Such a definition of a national minority leaves one the impression that the state has established merely 'decorative' rights for national minorities: the law does indeed exist, but does it serve the purpose for the sake of which it is expected of a democratic state to establish such laws in the first place? Does it comply with and promote the principles and values which are the basis for protection of national minorities or persons belonging to such minorities, thus - the basis of the very law itself?

Second, none of the requests for establishing a cultural autonomy have been endorsed by the government so far anyway - that is, the requests for allowing in local governments to use the language of the national minority in municipalities where the non-Estonian residents constitute more than 90% and where even those who comply with the official definition of a national minority are in a considerable majority compared with local ethnic Estonians. Even though the Language Act defines also languages of national minorities as 'foreign languages', it provides for the right to receive answers from state agencies operating in the territory of the corresponding local government and from the corresponding local government in the language of the national minority as well as in Estonian in local governments where at least half of the permanent residents belong to a national minority. The requirement of 50% of the population belonging to a national minority has been considered to be unjustifiably high by many international monitoring institutions, yet even in cases when latter requirement is met, the requests for using the special right provided by the Language Act have been refuted. No approval by the government has been received so far, on the basis of the argument that the language skills of the local public authorities do not meet the requirements set down by the Language

Act.⁷² Thus, even though the Language Act does provide in the case of local governments where at least half of the permanent residents belong to a national minority, the right of everyone to receive replies (but not to request for information) from public servants in the language of the national minority as well as in Estonian, in practice this provision of the law has never been officially actualised.⁷³

Third, the present definition of ‘national minorities’ which does not reflect accurately the actual situation in the society, can be used as a justification for the distorted interpretation of other legal instruments the aim of which should be to safeguard equality of opportunities in the society. For example, the Broadcasting Act obliges the national public television and radio broadcasters to ‘satisfy the informational needs of all nationalities, including minorities’, yet the vagueness of the latter provision allows the decisions on the proportions of the broadcasting time and financial allocations to be made on the basis of the official definition of the national minority. This means, not accordingly, for example, with the actual needs and wishes of all the members of the society, including national minorities, thus - nor according to the interests of all those who are the actual taxpayers providing for public broadcasting.

On the one hand, the discussed national legal instruments in Estonia which should serve the purpose of guaranteeing the implementation of values expected of a democratic state such as equality of opportunities and recognition of one’s identity regardless of ethnic belonging, are insufficient to actually promote these aims. On the other hand, the legislation even in its present form is not always being implemented in the spirit of good will and respect.

The more specific legal instruments relevant for the right of persons belonging to national minorities to freedom of expression and access to broadcasted media, include, as mentioned, the Language Act, the Broadcasting Act, the statutes of public broadcasting institutions, as well as the more general provisions on anti-discrimination. The latter are indeed alarmingly general in Estonian legislation - a shortcoming which has been criticised both nationally, as well as in the annual progress reports by EC and by

international human rights monitoring organisations. For example, Estonian laws so far does not distinguish between the terms "direct discrimination" and "indirect discrimination". Neither legislation for anti-discrimination nor the Language Act serve as national counterparts for the international legal instruments for promoting the access of minorities to media, and one may with little more success consult the Broadcasting Act.

The Broadcasting Act which entered into force in 1994, provides for:

- 1) the procedure for broadcasting information and the principles of broadcasting activities;
- 2) the conditions for possession and ownership of technical means intended for broadcasting information;
- 3) the bases for foundation and operation, and the procedure for terminating the activities of legal persons in public law engaged in broadcasting;
- 4) the procedure for the broadcasting activities of legal persons in private law on the basis of broadcasting licences.

Paragraph 6 guarantees the freedom of activity for the broadcasters: ‘/The broadcasters/ have the right to freely decide on the content of their programmes and programme services in compliance with the law and the conditions of a broadcasting licence.’(1), and: ‘The restriction of the freedom of creation guaranteed by law is punishable under administrative or criminal procedure.’ (2)

Paragraph 7 defines the obligation of the state to allow and safeguard freedom of reception and retransmission of radio and television programmes and programme services originating from foreign states, a requirement which is highly relevant in the case of Estonia’s national minorities who indeed receive most of their information from the broadcasters of the neighbouring state - the Russian Federation. Nevertheless, temporary restrictions may be imposed in accordance with the requirements of international agreements ratified by the *Riigikogu* (the Parliament), if a television programme or programme service originating from a foreign state’, if, for instance the programmes are

‘likely to incite hatred on grounds of race, sex, religion or nationality.’ So far there have not been any incidents of the kind.

The Broadcasting Act also includes provisions for the public broadcasters: ‘Eesti Raadio and Eesti Televisioon are legal persons in public law which perform the functions of public radio and television organisations.’ According to paragraph 25 the functions of Eesti Raadio and Eesti Televisioon are to:

- 1) advance and promote Estonian national culture, and record, preserve and introduce its greatest achievements;
- .../
- 4) satisfy the information needs of all nationalities, including minorities;

Furthermore, the following paragraph lays down the basic requirements for programmes and programme services of public radio and television, which are to facilitate

- 1) the preservation and development of the Estonian nation, language and culture;
- 2) the strengthening of Estonian statehood;
- 3) the advancement of Estonia’s international reputation.

Needless to mention that again it becomes clear particularly from the Estonian language version of the Act that the public broadcasters have the obligation to preserve and promote the Estonian national culture, whereas the culture of Estonia or the people of Estonia is not explicitly mentioned.

Neither does the Broadcasting Act provide any guarantees for the national minorities to be either represented in the broadcasting production process, to have access either to their own public radio or television, or to be provided a determined minimum amount of broadcasting time in the mainstream public radio or television. Furthermore, the Language Act which is concerned with the status of Estonian language in relation to foreign languages, including Russian, determines the maximum of television programmes in languages other than Estonian: ‘The volume of foreign language news programmes and live foreign language programmes without translations into Estonian /.../ shall not

exceed 10 per cent of the volume of weekly original production.⁷⁴ Thus, the Broadcasting Act only defines the maximum proportion of programmes broadcasted in any other language than Estonian - and these requirements apply to public as well as private television broadcasters. However, there are no provisions either in this law or any other determining the *minimum* required hours of broadcasting to be provided by the publicly funded television or radio institutions in minority languages.

In addition to the set maximum quantity of programmes in foreign languages, the Language Act also determines that as a rule, in case of broadcasting audiovisual works, foreign language text has to be adequately translated into Estonian, the only exceptions being 'immediately retransmitted or language learning programmes or in the case of the newsreader's text of originally produced foreign language news programmes and of originally produced live foreign language programmes.' Programmes falling in this category are to be included in the maximum of 10% programmes of weekly original production broadcasted.⁷⁵

Nevertheless, according to the Broadcasting Act, a translation into Estonian is not required in the case of radio programmes which are aimed at a foreign language audience, and also the Article 4 of the Law on Cultural Autonomy of National Minorities provides the members of national minorities with the right to publish ethnic language publications and to circulate and exchange information in their mother tongue. However, there is only the legal obligation for the state not to interfere, whereas there are no obligations to facilitate or promote the access of national minorities to media. In the respect of whether the state also has positive obligations towards enhancing the access of minorities to media, the representatives of national minorities in Estonia, in their attempts to receive support for media in languages other than Estonian, can only appeal to international instruments binding for the state and not to the national legislation.

Furthermore, the negative obligation of the state - not to interfere with the freedom of expression of the national minorities - applies only to printed press and radio broadcasting, whereas in the case of audiovisual media, the national legislation does not

even follow the principle of refraining from interfering with media freedom - as mentioned, the Language Act's restrictions apply for commercial television broadcasters as well.

The latter restriction is contradicting the requirements of the Framework Convention for the Protection of National Minorities, which explicitly states:

The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.

As brought out above, the Framework Convention also emphasises the role of the state as a facilitator of the access of minorities to media and media production, however, such provisions are lacking in the Estonian legislation, with the only exception the requirement for the public broadcasters to satisfy the informational needs of members of all nationalities, including minorities, also stipulated in the Statutes of the public broadcasters.

The public broadcasters are also subject to the document approved by the Broadcasting Council - 'The Principles of Impartiality and Balanced Programming of the Public Broadcasters'. The principle of impartiality and equal opportunities in this document means that in covering important social issues, the board of the public broadcaster is responsible for guaranteeing the coverage of the plurality of the opinions and beliefs:

Equality of opportunities to express one's beliefs and opinions has to be guaranteed firstly to those agents, institutions, political parties, professional and social groups in the society who have a direct relation to the covered theme, problem or process, who participate in the decision-making process regarding the particular issue or who are the direct subjects of the decisions taken.

However, the principle of balanced provision of broadcasting time only deals with programmes in which the representatives of political parties are invited as guests. There is no mentioning of the need to take into consideration the fair representation of different groups (cultural, religious, ethnic, linguistic).

The requirement of impartiality and balanced programming has the aim of guaranteeing objectivity and diversity in covering the social processes and ‘thereby to support the democratic character of the debates in the society.’⁷⁶ It is also emphasised that fulfilling such a requirement serves the purpose of providing each member of the society an opportunity to form one’s personal opinion in an informed way - based on diverse information about the social, economic and cultural environment. However, the requirements serving this aim are again more explicitly spelled out only in case of representatives of different political convictions.

Despite that the document is not specific about how minorities should be represented or engaged in public broadcasting, it recognises that the public broadcasters may only become respected and trusted if the audience is convinced that the broadcasters are determined to overcome the pursuit of the interests of only a particular group in the society, and rather make efforts to pursue the interests of the *whole* society by providing as accurate and detailed a reflection of the reality as possible. Yet, whether this also means recognising the different needs and expectations of different nationalities in the Estonian society at the moment is left up to the broadcasters or the editors to decide. That is, as long as the share of the television programmes not translated into Estonian does not exceed 10% of the weekly programming. Neither today, nor in the previous years, the choice of the public television board has been to provide considerably less time than the 10% for programmes in the languages of the national minorities as well as programmes addressing the issues and problems that the non-Estonians may be facing. The board has also not attempted to actively take into account their interests, and the share of programmes about and for minorities has been decreasing annually.

The institution which has the authority to challenge such decisions would be the Broadcasting Council,⁷⁷ who is responsible for supervising the performance of public broadcasting functions. Yet, the Broadcasting Council is tacitly approving the current state of affairs. One of the members of the Council expressed the opinion that the Council would be reluctant to allow for changes in the linguistic proportions in programming, even more so if the Russian-speaking minority would attempt to establish its own national television channel, even if a privately funded one.⁷⁸

Thus, indeed there are provisions, even though brief, in the acts and statutes which may be appealed on in attempting to bring about a more representative situation in public broadcasting channels, or even the public sphere in general. Yet, due to, first, the inadequate definition of 'national minorities' in the legislation, which reveals the still dominating attitude towards most of the non-Estonians as immigrants, and second, the vagueness of the provisions related to minorities, the rights of minorities to participate in the public sphere will be considered only in case the boards of public radio or television 'happen' to regard an inclusive public sphere, involving all national groups, important. A whim, which at the end of the day, questions the notion of 'minority rights' as used in Estonia in the first place, since properly speaking, we cannot consider the resources (time, funding) which are available for the minorities depending only on whether the current dominating attitudes and willingness or degree of courtesy of the titular group, minority 'rights' by definition.

6. The Role of Media in the Process of Integration in 1995-2002

Whereas before 1991 non-Estonians had access to newspapers from all over the USSR, as well as local Russian-language newspapers, two Moscow-based TV and radio channels, since the revival of independence of Estonian Republic, the Russian-language media in Estonia became a minority media. In the beginning of 2003 the local Russian-language media market consisted of:

- ?? 2 national dailies, 2 weeklies, 8 local newspapers, 10 magazines
- ?? 1 public service radio station (Radio 4, including also weekly broadcasts in Ukrainian, Byelorussian and Armenian languages) and 4 regional private stations
- ?? 1 recent regional cable Russian-language TV channel, STV, which broadcasts partly programmes transmitted from the channels of Russian Federation and few daily locally produced ones, 1-2 weekly programmes on Estonian private channels, 5 weekly programmes on Estonian public television channel (3 of them bilingual, 1 in Estonian with subtitles in Russian) and a daily 15 minutes news programme. To be more illustrative: two out of three TV-channels available nation-wide produce Russian-language programmes - ETV and a private channel Kanal 2. Both these channels together broadcast less than one hour of Russian-language programmes a day on average. In the autumn of 2003, the only bilingual, subtitled or Russian language programmes broadcasted on ETV were the short news, 1 weekly bilingual programme and a language-learning programme.
- ?? Pervõi Baltiiski Kanal is transmitted from Moscow in the three Baltic states, most of its programmes are subtitled into the local titular languages. The majority of the programmes is transmitted and produced in the Russian Federation, yet because some programmes do not have copyrights to be shown in the Baltic states, these are replaced by other programmes in Russian and produced either in Russia or Latvia. The only programme produced particularly for Estonia is the news, as well as advertisement clips. This channel reaches a considerable majority of Estonian Russian-speakers (80%), but does not receive any funding from the state to produce original programmes (information or other) which would address and respond to the specific interests of non-Estonians.
- ?? There are numerous other cable channels available transmitted from the Russian Federation.

In Estonian language there are 3 national dailies, 50 local and specialized newspapers, 60 magazines, 3 public and 14 private radio channels, and 2 national private and 1 public television channel.

Considering the insufficient Estonian language competence of the majority of Russian-speakers and the minimum amount of locally produced television production available in Russian language, as well as different consumer preferences deriving from different cultural backgrounds, it is not difficult to understand why a significant proportion of non-Estonians is mainly oriented to the channels of Russian Federation. Whereas only 25% of Russian-speakers watch Estonian television channels daily and an additional 19% at least once a week, the remaining - half of all non-Estonians - do not follow Estonian telecasts at all. Not surprisingly, 80% of Russian speakers watch daily and 90% weekly the television channels of Russia.⁷⁹

A positive achievement has been the establishment of a public radio channel, Raadio 4, for non-Estonians. Local Russian-language radio stations, public and commercial, are indeed regularly listened to by Russian-speakers: 88% listens to Estonian radio channels at least once a week. The consumption of local daily newspapers, on the other hand, is considerably lower among the non-Estonians (56%) than Estonians (86%) - almost by a third. The reasons behind such a noteworthy difference may be the different consumer preferences and habits, yet also the developments in the local printed media market since 1991.

The Estonian state provided no financial support for the development of independent Russian-language press (nor for the Estonian-language one) and furthermore, in the beginning of the 1990s refused to use it for a dialogue with the Russian-speaking population, for instance for explaining the policies and decisions of the government. Rather, the official position was that those Russians who remained in Estonia, should learn Estonian and in order to be informed, follow the Estonian-language media.

Since 1991 the media production expenses increased rapidly and due to decrease in real incomes characteristic of transition economies, the subscriptions to newspapers were rapidly falling in numbers. The privatised press started to search for new sources of both finances and information. While the Estonian media market was financed by Estonian,

Swedish and Norwegian investors, the Russian-language press was provided with finances and information by local politicians and businessmen. As Jakobson has shown in her comprehensive study on Russian-language press in Estonia, the companies which owned the Russian-language press (Rukon-Info Ltd and a liquor-producing company Onistar Ltd) as well as other sponsors were explicitly or implicitly supporting the ethnic Russian political parties.⁸⁰ What is particularly problematic in such a relation of interdependence is that in addition to this fact contributing to the distrust towards the Russians by Estonians ('even their 'free' press is pursuing the imperial interests of Russia'), the Russian political parties rather represented the interests of local businessmen as well as Russia instead of who they claimed to be representing - the Russian-speakers in Estonia. What was characteristic of the Russian politicians, accordingly, was to focus merely on the political status of the Estonian Russians and to disregard the socio-economical issues, to appeal to problematic issues related to the minority situation in Estonia merely during the election periods. That is, failing to take interest in undertaking more comprehensive and longer-term oriented action to attempt to solve some of the other practical problems that the community - which they were claiming to represent - was facing. An example of this is the failure to address the impoverished access to locally produced media due to language barriers. As pointed out during an interview by a prominent actor in both television and newspaper industry, the question of the lack of television broadcasting for the Russian-language population on Estonian public television has only been invoked before elections, yet excluded from the daily political deliberations. Thus, even at times when there were opportunities available to change the situation, even if to a small extent, no steps were taken because of the unbeneficial 'political timing'. Instead of actively involving themselves in policy processes and attempting to create a dialogue between the Russian-speaking community(ies) and the Estonian state and its institutions, the Russian politicians rather opted for the strategy of claiming to be the only possible representatives of the interests of the minorities. By claiming to be the sole mediators between the Russian-speakers and the state, they tended to evoke the mentality of the members of the minority as helpless passive subjects who have to be defended by the Russian-speaking politicians from the ill-willing Estonian state. This is not to claim that this strategy was successful in the long-run (as the previous elections proved - no 'Russian' political party

crossed the threshold necessary for obtaining seats in the parliament - it was not), but to point to the problematic consequences which arise when such political interests begin to interfere with the objectivity of the only local information sources available for the minorities.

A study of the Russian language press in 2000 concludes that the minority press during this year, and even more during the previous years, reinforced such patterns of inter-ethnic and social relations which promoted the interests of the Russian speaking politicians and the elite, and as a consequence, reinforced the preservation of the existing informational, social and cultural barriers between the Estonian and Russian communities.⁸¹ The press informed its audience poorly about important events in Estonian political, social and economic life, giving the Russian speakers only a vague idea about the society in which they should integrate. Instead, the Russian-language press, reflecting the interests of the minority elite, gave the impression of Russians as poorly educated and otherwise unable to change something in the circumstances shaping their destiny in Estonia, and thus better delegating this task and their trust to Russian-speaking politicians.⁸² Instead of contributing to the reconciliation process between the two nationalities within Estonia and facilitating other social processes by helping people to better understand the causes of the difficulties that accompany an abrupt transition periods, the press reinforced the situation of confusion and uncertainty that the minority was experiencing.

Jakobson and Kirch, the authors of studies of press before the year 2000, came to the conclusions that if the project of isolationism and paternalism were to succeed, it could have lead to:

- 1) strengthening of the positions of the Russian-speaking elite as only mediators between the dominant society and state/institutions and the Russian population;
- 2) further segregation of the ethnic communities and separation between the Russian population and the state;

3) possibly a decrease in the standard of living of the minority due to social capital (language) shortage essential for success in the society dominated by the titular nationality.

The dominating discourse in the minority press bore paternalistic features and no ways of achieving a more integrated society were proposed. Instead of acting as a promoter for integration and the strengthening of civil society, the press represented the interests of the elite by reinforcing the barriers between the minority and the majority, minority and the state and its institutions. Hence, on the one hand, the potential of the Russian-language press as a tool to facilitate the integration process remained largely unused by the state officials - there was little attempt to create a dialogue and actively provide information. On the other hand, the state expected those who wished to attain less biased and narrowly oriented information about the state and its bodies, to make use of the Estonian language press, disregarding the language barrier which an overwhelming majority of the Russian-speaking population is facing.

The biased and paternalistic character of the Russian language print press being a common knowledge, the consumption of daily newspapers kept on decreasing, and even in the year 2000, only 33% of the Russian-speaking population read local Russian dailies regularly. Trust in the objectivity of the press has also decreased: only 34% of Russian-speakers (46% of Estonians) believed that journalists and newspapers were objective or probably objective. A significant part of the population who was not fluent in Estonian ceased to use press as a source of information, but rather as a means for entertainment and spending leisure time.⁸³ Since 1992 local Russian print press ceased to be a tool of communication between the audience of Russian-speakers and state institutions. Reading the local Russian language press was not replaced by following the mainstream news providers, but rather by relying on information obtained on interpersonal level and from the media of Russia. The social scientists and media researchers in Estonia have come to the conclusion that due to the estrangement of Russian-speakers from the local printed press as a source of information and the lack of any other media to fulfil their informational needs, 'the Estonian state and society found itself in danger of losing the

local Russian press as a tool for the regulation of social processes in the Russian-speaking section of the Estonian society, which could not but affect the Estonian society and state in general.’⁸⁴

The tendency of the local Russian-language press to compensate for the need for information instead of satisfying it becomes evident in various surveys. Only 20% of non-Estonians in 1996 and 30% in 2000 considered themselves to be well-informed about the events taking place in their society.⁸⁵ Even if the absence of a common public sphere with Estonians and the difficulties in obtaining information about Estonian state and society were not the main factors causing a general alienation of a significant part of the population from the state, public affairs and politics, it certainly did not contribute to the prevention or improvement of such an alarming tendency.⁸⁶

However, it is interesting to note, and should be paid attention to in the future, that although the Russian-speakers in their daily life watch more extensively Russian Federation television channels and are generally much more exposed to Russian-language media, their trust in its objectivity is low. Rather, they express a much higher level of trust towards the Estonian sources of information, including the media. One of such trusted media channels being the Estonian public television. Hence, the willingness to be more exposed to national information sources than before seems to be present even though the media consumption habits suggest otherwise and cannot be expected to change abruptly.

The need for an accentuated attention to linguistically diversifying the telecasts with the aim of engaging a wider public, particularly those who are otherwise at the risk of alienating themselves from the societal affairs and public sphere, is further affirmed by the differences in media consumption and information acquiring habits of Estonians and non-Estonians as brought out in the following table.

Consumption of media in Estonia in 1993–1997										
	Estonians					Non-Estonians				
Year	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997
No. of people questioned	918	1016	1026	1016	1051	613	579	585	557	516
Average no. of newspapers read*	8,7	7,7	7,3	6,3	6,3	3,9	3,7	4,3	3,8	3,1
Do not read newspapers (%)	-	3	2	2	2	-	15	8	9	13
Average no. of magazines read*	4,7	4,2	4,3	5,1	5,4	0,8	0,8	0,6	0,7	1,0
Do not read magazines (%)	-	28	24	19	16	-	74	79	74	55
Average number of newspapers subscribed	2,7	2,2	2,0	1,9	1,8	0,5	0,4	0,4	0,3	0,3
Average no. of TV stations watched	3,4	3,8	4,1	3,5	3,8	3,2	3,8	4,5	3,4	4,8
Do not watch TV (%)	-	6	5	4	4	-	10	5	6	5
Average time spent watching TV per day (min.)	183	176	190	214	215	237	218	244	262	261
Average no. of radio stations listened to	2,6	2,6	2,8	3,1	3,2	2,9	3,0	2,6	2,4	2,6
Do not listen to the radio (%)	-	1	2	2	2	-	6	8	10	9
Average time spent on listening to the radio per day (min.)	265	269	282	243	230	174	193	197	162	162*

* Both regular and occasional reading

Source: Baltic Media Facts (BMF). Surveys representative of the population aged between 15-74 years, conducted in October-November of the respective year.

The failure to use the potential of Russian-language press as well as broadcasting television programmes for non-Estonians as one of the tools in the integration process and to build an informed civic society is also recognised by the Estonian Government in its report to UNDP in 2000, for example. Despite of this recognition, prioritising the

harmonisation of communicational spheres in the Integration Programme and the support to occasional projects to achieve this, when looking at some very important aspects of the recent developments in public television broadcasting, it is not difficult to notice the contradictions between the official statements and these tendencies.

First, neither the Broadcasting Council which is responsible for guaranteeing the fulfilment of the duties of public broadcasters as defined by law (among them satisfying the informational needs of all members of society including the minorities), nor the Presidential Roundtable for Ethnic Issues nor the Minister for Ethnic and Demographic Issues have drawn the attention of the public or the government to the low degree of access of the Russian-speaking population to locally produced/interpreted/analysed information.

Second, not only have these institutions accepted the *status quo* in the television market, but they have not even taken steps to interfere with the fact of annually diminishing share of broadcasting time available for those not fluent in Estonian.

Third, the situation does not seem to improve significantly merely due to natural processes and the impetus coming from the Integration Programme. Even though certain projects that have initiated a more constructive co-operation between the media in different languages have been undertaken and with good results (I will return to these later), in one of the most important spheres - television broadcasting - the resources and time provided for non-Estonians have actually been diminishing, as shown in the table below.

	1995	1998	1999	2000	2001
<i>Number of broadcasters</i>	9	7	7	5	4
public	1	1	1	1	1
private	8	6	6	4	3
national	1	4	4	4	3
regional	5	1	1	-	-
local	3	2	2	1	1
Total duration of broad- casting, hours	22 872	24 764	23 679	18 972	22 872
Total duration of national broadcasting, %					
in Estonian	89.5	92.5	95.9	98.9	99.1
subtitled	40.4	53.5	43.5	37.5	44.3
in Russian	3.9	7.2	7.6	5.5	7.5
subtitled	1.9	1.1	1.8	1.4	5.5

Source: Statistical Office of Estonia

Even though the share of programmes subtitled into Russian in 2001 increased compared to the previous year, the share of programmes in Russian decreased. The share of programmes in Russian also includes entertainment (crime-stories) produced in Russia. An editor for Russian-language programmes in ETV suggested that the subtitled programmes for Russian-speakers do not tend to compensate for original productions in Russian language. Offering the Russian-speakers programmes in Estonian with subtitles in Russian is not a considerable substitute. Unlike Estonian-speakers whose media consumption habits have always been related to foreign programmes being subtitled, not dubbed, the Russian-speakers tend to prefer programmes in their own language as more convenient to follow. The crucial difference being, certainly, that they have these available - provided by the channels of Russian Federation. Yet, certainly even subtitled an increasing number of programmes would be a positive trend.

Unfortunately, the interviews with programme producers of ETV suggested that as the number of viewers among non-Estonians of even subtitled programmes is too low, ETV decided to forego the subtitling of some productions since it is too costly with little results.

Experts with teleproduction experience emphasise that the potential of the programme in reaching the Russian-speakers considerably depends not only on whether the programme is only in Estonian or in Russian, or whether it is only dubbed into Russian, but also on whether the host, for example is a Russian-speaker. What makes the difference is that the programme is perceived more positively if it is not made by 'them' with the explicit or latent purpose of integrating 'us'. An editor in chief at ETV claims that: 'Programmes mainly in Russian language have a different level of attraction to the Russian-speaking audiences, and of emotional of perception.'

Furthermore, despite of claiming the encouragement of a common media sphere as one of the priorities in the activities within the Integration Programme, some of the Russian-language programmes which enjoyed a success and the daily news programme were since March 2003 provided a significantly worse broadcasting timing. This brought along a sharp decrease in the ratings of these programmes not only among Russian-speakers, but also among Estonians. The ETV Russian-language news programme lost a quarter of its audience after the airing was shifted to an earlier time in March 2003. This was not considered to be a significant loss by members of ETV board as only 13 500 non-Estonians watched it anyway.⁸⁷

The general opinion among the ETV producers who were interviewed was that producing and programming more productions in Russian or bilingual ones is not planned for the simple reason that growth in the number of productions is not going to attract a wider audience. The Russian-speakers are not willing to watch our productions, the reasoning goes. The other party, editors and producers who are of mostly Russian origin, believe that the real cause of this 'disconnection' and 'miscommunication' is the lack of funding

and will, thus of regular quality Russian-language or bilingual programmes available. Also, passive marketing activities for these programmes as well as the low number of non-Estonian editors were brought out as causes behind the unpopularity of programmes which hope to reach specifically non-Estonians.⁸⁸

7. The State Programme "Integration in Estonian Society 2000-2007" and Supported Media-Related Activities

The State Programme "Integration in Estonian Society 2000-2007" was one the first and most significant steps that the government took as a response to the increasing segregation within the society along ethnic lines and social problems arising from it. Considering the reluctance of the titular nation to accept the minority as an equal partner which in its eyes was a reminder of Soviet-times injustice and a threat to the survival of a distinct Estonian nation and culture, the experts who prepared the Programme had to maintain a cautious balance between the rights and duties of both counterparts. This was needed in order to attain acceptance from both the majority and the minority, as well as international monitoring organisations and EU, which were all preconditions for the Programme to succeed.

Hence, to put it very briefly integration is defined as:

- ?? *the social harmonisation of society* around a strong common national core based on knowledge of the Estonian language and Estonian citizenship
- ?? *the opportunity to maintain ethnic differences* based on the recognition of the cultural rights of ethnic minorities

and the desired outcomes as following:

- ?? a strong common national core
- ?? cultural pluralism
- ?? the development of Estonian culture

The Programme distinguishes between three different areas of integration:

- ?? Linguistic-communicative integration: the task of various projects under this area is promoting the ‘creation of a common sphere of information and an Estonian-speaking environment while preserving cultural plurality and mutual tolerance’. Again, the main goal is not to harmonise, bring closer or create a dialogue between the two linguistic communities, but to expand the scope of the titular language sphere. How the preservation of cultural plurality is ensured, does not receive much attention in the Programme.
- ?? Legal-political integration, i.e ‘developing a citizenry loyal to the Estonian state and reducing the number of residents without Estonian citizenship’. Further clarifications in the Programme document reveal that it is mainly the task and responsibility of individuals without citizenship to make efforts in order to achieve the set goal.
- ?? Socio-economic integration - increasing the competitiveness and social mobility of non-Estonians. This again is targeted at non-Estonians and does not regard the problems arising from the perceptions of the majority. That the latter might also need to be addressed, is to my mind, evident when looking at the statistics which show the higher unemployment rate among the non-Estonians (when compared to those of Estonians living in the same region), the lower wages of non-Estonians with same jobs and education levels, the low representativeness of non-Estonians employed in the public sector, etc. These indicators surely reflect also the perceptions of the majority nation who are in the position of deciding who will be filling these professional positions.

When speaking about governmental policies of integration in Estonia, it is important to always bear in mind two aspects of the State Programme. First, it aims at social unification which is based on better knowledge of Estonian language and increased number of residents holding Estonian citizenship.

Here attention should be drawn to that in the Estonian-language version of the document the basis of the social unification is the recognition of a strong commonality, the basis of which, in turn, is Estonian language and culture. The ‘strong commonality’ involves shared values, shared understanding of history and shared goals. Such an approach has been criticised by the representatives of minority organisations, international organisations and external experts, among them a well-known scholar Will Kymlicka. Kymlicka suggests that taken the large number of minority population, as well as the fact that they have already established their own ‘societal culture’ in Estonia, the terms of integration should be ‘thinner’ than proposed in the Programme. A ‘thicker’ version is both currently unrealistic, and thus places an unjustified burden on the minorities, as well as is unnecessary for creating a shared public space and/or decreasing the current social segregation along lines of nationality.⁸⁹

Nevertheless, the assumption of the need for a greater degree of homogeneity and commonality to achieve cohesion is still one of the core basis on which the Programme is implemented and which, as a rule, is not challenged in the public sphere.

The second important aspect of the Programme is that it states that the preservation of ethnic differences should be made possible by recognising the cultural rights of the minorities. Thus, the programme should maintain a balance between these two aims. However, significantly greater proportion of funds has been provided for attaining rather the first than the second aim, one of the clearest manifestations of the priorities being the fact that 75% of funding has been allocated for activities related to Estonian language learning.⁹⁰ For the period of May 2003-March 2006 the EU Phare Programme and the Estonian state (80%/20%) have allocated 4.3 million EUR solely for the purposes of teaching Estonian to non-Estonians. There are controversial opinions about the efficiency of the language-learning programmes as the main activity of the whole Integration Programme, as well as the actual success of the projects when taking the number of those who ended up passing the language exams or the annual rates of naturalisation as evaluation criteria. In fact, the overwhelming majority of naturalised persons are younger than 18 years old.⁹¹

The implementation of the Integration Programme consists of several programmes (the mentioned EC Phare programme among them) in the framework of which several smaller-scale sub-projects are supported. The overall budget for all activities (including both national funding and foreign funding, 50%/50%) for the period of 2000-2003 was approximately 14.5 million EUR, which makes it 3.6 million EUR annually. About one tenth of the overall sum is provided for activities relevant for participation of minorities in public sphere - a sub-programme 'Social Competence'. In addition to activities more directly related to media, the 10% dedicated to this sub-programme also covers supporting:

- ?? the activities of non-profit organisations for developing new projects to facilitate the co-operation between the state and the third sector;
- ?? stipends for individuals for developing integration promoting projects;
- ?? activities of youth organisations, including developing new action plans, training for their leaders;
- ?? social advertising campaigns to promote tolerance to multiculturalism;
- ?? social campaigns to encourage non-citizens to apply for citizenship;
- ?? informational activities, aiding non-Estonians who are deaf or blind;
- ?? publishing training and information materials for people working with refugees.

The activities of the two sub-projects of this sub-programme which are related to creating a common media sphere include support for coverage of integration related issues in the Russian and Estonian-language media and for media education programme. The activities in this section are:

- ?? trainings for Russian-speaking journalists;
- ?? developing co-operation projects between Estonian and Russian language newspapers;
- ?? the broadcasting of radio programmes in minority languages;
- ?? co-financing of Estonian and Russian language and bilingual seasonal television programmes.

Those media-related activities have for the past four years been supported with a little less than 275 000 EUR which means less than 70 000 EUR per year.

The overall aim of these two components is to engage the Russian-language audience to consume the national and local media. One of the components targeting media education is seeking to increase the number of media professionals among young non-Estonians and 'raising a new generation of non-Estonians with a regular media consumption habit and orientation skills'. The target groups are the faculty and students of secondary and vocational schools, the beneficiaries also include the Association of Media Educators and the Media Association of the Young. The activities of this project include implementing media educational programmes in Russian-language schools in order to 'enable the students to gain a better understanding of media opportunities, a critical approach and an interest to participate in the media-making'.⁹²

However, currently it is difficult for young high-school graduates with minority ethnic background to become enrolled as students in the departments of journalism and mass communications, particularly in state-funded universities, as this requires a very high level of Estonian language skills. The non-Estonians would have to compete with Estonians who have the obvious language advantage, and there are no special initiatives to encourage the enrolment of students of linguistic minorities. There are no official statistics, but the names of students in journalism and media departments suggest that the proportion of non-Estonians is considerably lower than their share in the population.

The second media-related component of the Integration Programme is, first, support to radio programmes in minority languages: within three years (the sub-project will be concluded in June 2004) 120 hours of programmes will be broadcasted in Russian, Ukrainian, Byelorussian, Armenian and Hebrew. Secondly, for example in 2003 the Integration Foundation supports four Russian or bilingual television programmes with the total amount of 23 080 EUR. These programmes are 'Subboteja' - a popular Saturday programme on Kanal2, a documentary series 'This is me', a bilingual programme for the young 'Inter-Aktiiva' and a programme called 'Subjektiiv'. The Government of

Sweden supports the production of 10 parts of 'Curious' - a bilingual programme for children.

The programmes either in Russian or subtitled into Russian broadcasted in 2002-2003 (some of them not broadcasted regularly but consisting of either 8, 12, 18 or 24 parts) can be divided thematically as following:

- ?? Political/social issues are touched upon mainly in weekly programmes called 'Teadmiseks' and 'Subjektiiv'. Discussion topics mainly include the social problems of Estonian society, social security, welfare or the lack of it, employment and other matters.
- ?? Cultural programmes
- ?? Programmes which address the identity and life of minorities in Estonia, often discovering the different aspects of transforming identities of the minorities. These include programmes 'Venelased Eestis', 'Saatused' and 'Minu juured'. The weekly programmes 'You' and 'Põlvkond 2000' are oriented foremost to the non-Estonian youth and explore the ways of living and thinking of the new generation.
- ?? There is a weekly programme 'Subboteja' on Kanal2 which is popular among both the Estonian- and the Russian-speakers, and can be characterised as involving the elements of both entertainment and reportage.

Usually within the Integration Programme framework, the telecasts are only co-financed, yet this co-financing seems to have been what has kept the programmes in Russian from completely disappearing from the screen. During the past years one of the most popular talk-shows on the public television has been a bilingual programme 'Sleepnessness' in which the editors always invited guests with different ethnic background and citizenship status, along with a couple of experts in the particular fields, and in which some of the most controversial social and political issues were discussed. The programme received one of the highest ratings ever not only for a bilingual, but also for a social/political telecast, yet many of its viewers were disappointed when its broadcasting time was shifted from 9.30 PM to 11.15 PM on Thursday evenings. Another unfortunate shift concerned the only Russian language news programme on ETV - since March 2003 it is

on air at 6 PM. Hence, there are no Russian-language programmes on ETV on prime time (nor on either of the commercial channels), and even those broadcasted at less popular times do not exceed 5-6 a week, including the subtitled ones.

A former Minister of Ethnic and Demographic Affairs pointed out during an interview that both press and television co-operation projects between the different media in two languages were successful more or less only as long as there was financial assistance from the Integration Foundation. That is, as long as there was financial motivation to produce bilingual programmes, or to engage minority journalists in mainstream media (either press or broadcasting) was there reference to each other and co-operation. When the funding diminished after 2001 for media-related integration activities, the media in two languages again drifted apart and the issue of integration 'dropped off the agenda'. The latter is certainly an expected tendency since usually unless there are explicit conflicts within the society, issues related to minorities are not seen important enough to be highlighted. The former Minister emphasised the importance of continuing funding of projects related to attempts to facilitate the emergence of a shared media space, despite of that the results may require long-term efforts and commitment.

Despite of many difficulties that the producers of Russian-language programmes in ETV have been facing (decreasing resources, unfavourable shifts in broadcasting schedules), the editors say they have had very productive co-operation with the Integration Foundation in order to pursue the creating and expanding the common public forum to discuss and to overcome the problems arising from 'two societies in a society'. Nevertheless, the interviewed editors point out that it is problematic to be dependant mainly on project-based funding which is unstable. Most importantly because it takes the audience a certain time to 'become an audience' of that particular programme: to find out about it, to become interested, to happen to turn on their TV-set at the right time, and moreover, to become accustomed to the timing of the programme. The acceptance of a programme by the audience takes usually a year, yet the programmes financed by the Integration Foundation or some other external funding, usually are not funded by more than six months. The viewership of the first 10 editions is likely 'accidental', and it takes

longer for a Russian-language viewer to ‘discover’ a new programme on ETV that might interest her: she does not usually watch it being advertised on ETV as there are few other programmes that do not assume a good knowledge of Estonian.

A further difficulty arises in the case of project-based financing of the programmes - often the programmes, when defined as ‘projects’ do not received the grant requested, but, for example half of the funding needed. However, audiovisual broadcasting and the production of programmes have high fixed costs, and if the budget become cut by more than 10%, there are serious consequences on the quality of the production, as well as that the editors have to produce a considerably lower number of programmes than intended to achieve the aims set up for the particular project initially. When a series of 18 programmes is outlined, the funding received requires the editors to cut the number of series by half or 30%, for example.

Furthermore, the funding from the Integration Foundation is initially intended to, particularly in case of media projects, to be a kick-off support - to aid launching projects that would become sustainable in the future. Yet, this has usually not been the case as production has stopped after the end of contract with the Integration Foundation.

Another editor mentioned the restraints on editorial freedom, or rather, implicit obligations for not deviating from certain principles when the programmes are in large part financed by the Integration Foundation. This means, for example, the obligation not to challenge the fundamental principles of the national Integration Programme. Thus, even though the constraints are not explicit or extensive, there are certain journalistic limitations to the content and argumentation of the programmes according to the expectations of the supporter. This claim should not be dismissed out of hand, particularly as media monitoring studies on television programming seem to verify it - unlike the Russian-language press, the telecasts, even when not necessarily following the instructions of the governmental integration policy, surely do not contradict the official view of that integration is first and foremost the task of a non-Estonian individual at

which to succeed. Thus, on television, the basis of the governmental policy are not indeed challenged.

8. What is Characteristic of Russian-language Programmes on Estonian Television Channels?⁹³

According to a media monitoring study conducted in 2000, it is characteristic of Russian-language television programmes to show Estonians and non-Estonians as partners who are colleagues, share common principles and attitudes, friendship or a common family. In the case of the latter the different nationalities of spouses is emphasised.

In case of programmes that touch upon history, it can be maintained that a new approach and interpretation of history is being fostered: it is common to search for novel reflections upon recent history, to ridicule the Soviet era and present it as an age which is a distant bygone.

Another commonly appearing feature is the attempt to create a new feeling of commonness - the feeling of 'us'. For example, in 'Generation 2000' the word 'Estonia' is usually replaced with 'our state'. The choice of topics and angles of interpretation expresses the endeavours to promote an identity of the Estonian Russians which would clearly distinguish from that of the people of Russia.

Contrastingly with the printed press, in which the willingness of Estonians and non-Estonians to co-operate is often underestimated, television almost unexceptionally forwards positive messages - it pictures 'integrated individuals' who regardless of their nationality and mother-tongue are active members of the society, and express readiness and motivation to be more tolerant and co-operative. Whereas the Russian-language printed press tends to be critical and sceptical about the success or possibility for a strengthened solidarity and toleration, the television programmes in Russian are rather the opposite in this respect.

Analyses of the two media outlets - printed press and television - demonstrated that whereas the former approaches the language problems, for example, on a collective and institutional level, the latter takes an individualistic stance. In the printed press, the constraints for the Russian-speakers that derive from the language barriers is presented as a problem of the whole of Russian community and the disentangling of the problem is seen to be the responsibility of the Estonian state. The audiovisual media, on the other hand, individualises the issue: it is first and foremost dependant of the individual whether he/she overcomes the language barrier. It is mainly by individualising the problem that the journalist succeeds to surmount the potential for a conflict. Similarly, the opinions of 'ordinary people' are seldom taken into account in the Russian-language printed press. Television programmes, on the contrary, as a rule provide the audience with a direct contact with the individuals appearing on the screen, who speak not only as representatives of a particular group, but also as individuals with a personal perspective that they share with the public.

Thus, compared to printed press, the Russian-language television programmes are providing a positive message about integration. Most characteristic are the themes and signals targeted at changing the attitudes of the audience - on the one hand to increase the degree of the viewer's acceptance of the contemporary Estonian society, and on the other, to create a distance between the viewer and the recent past with its identities and values. To a great extent the success of these messages is dependant on the ratings of these programmes, which among Russian-speakers are still strikingly low.

However, there has been criticism about that there are no programmes which would evoke polemics between different viewpoints about the integration or policies. The approach taken on screen can be seen to be too one-sided - suspiciously in favour of the official integration policy, and the question is: may this estrange the part of the audience which is not as 'integrated' yet as those individuals appearing on the screen? The question the authors of the study asked was: 'Which are the possibilities for the viewer, who lives in an overwhelmingly Russian-dominating language environment, to identify himself with those who he/she encounters on television?'

The reason behind such an over-emphasised harmony certainly is not only the close collaboration with the Integration Foundation, even if this may further enforce such character of broadcasts. We can also consider the fact that there are only counted non-Estonians working in television production, and in order to acquire such a position in an overwhelmingly Estonian environment in the first place, one has already to have become a very 'well-integrated' individual. Third, the producers are in no position to seriously contradict the expectations of the board of the broadcasting institution, and the preferences of the board of ETV become clear in their programming decisions.

The editor for Russian-language programmes on ETV also emphasized that the programme-makers should be extremely sensitive about making programmes with the primary aim being 'integration' of the minorities. The overuse of the term, and particularly due to its uni-directional character, has made the members of the 'target-group' cautious and even wary. It has been brought out in the evaluation reports on the success of the Estonian-language teaching programmes that the obligation that the Russian-speakers have to learn the titular nation, the pressure put on them even by the labour-related language laws - does not encourage many people to improve their Estonian language skills, but rather invokes a certain counter-reaction. The same may be claimed to have happened also in the case of 'integration-process' as an obligation concerning merely the minorities and set upon them by the state. The reasons for this may be manifold, the most obvious being the high costs and efforts needed for language-learning, adapting to new social circumstances, the increasing apathy and alienation of the Russian community from the elite, the state institutions, as well as from the press. Also the lack of minority representatives in the elaboration process of the Integration Programme and in its implementation has been brought out as a possible source of indifference and caution. Therefore, it would be important to try to engage more people with whom the non-Estonian audience can feel certain commonness, and to seek for more fair and acceptable ways of promoting the processes of finding a common ground in the society.

9. The Role of Estonian Public Television in Facilitating Integration by Promoting a Common Public Sphere

The Estonian public television would have a particularly important role in filling the gap between the two ethnic communities created by insufficient language skills of the non-Estonians, and the Estonian-language centeredness of almost the entire public sphere. However, the proportion of programmes in Russian language has decreased steadily every year. The reasons behind this may be manifold.

First, the low quality of programmes might be referred to as a cause for diminishing the programmes or shifting broadcasting time on less favourable hours. Yet, such reasoning is out of place in the case of those few Russian-language programmes on ETV which have been broadcasted since the rating of these programmes are as high as those of the Estonian-language ones of the same genre. According to the ratings also the Estonian-language audience has an increasing appreciation for the Russian- or bilingual programmes, maybe even more so than the non-Estonian one. In addition to this, these programmes have been received several prizes as establishing and maintaining high quality, and for playing an important role in the public sphere. In 2003 'Sleeplessness' received the award of the most outstanding project of 'Congruity', granted annually by Open Estonia Foundation. The same award was granted to a series of documentaries 'Generation 2000' in 2000. Another Russian-language programme - 'Subjektiva' has also received recognition by the same organisation. Both 'Sleeplessness' and 'Sputnik' have on several occasions been awarded by the Integration Foundation as the most outstanding projects promoting societal coherence.

Second, the arguments in favour of diminishing the proportion of programmes in minority languages, often draw upon the low number of Russian-speaking audience for these programmes, the cause of which is claimed either to be the low quality of the programmes or the lack of interest from the part of the target group. Nevertheless, this is a dead-end argument as it would be unreasonable to expect an immediate and outstanding interest from the viewer who has not had an opportunity to get accustomed to the

programmes offered by ETV simply because the broadcasting is sporadic, rare and has inconvenient timing. Furthermore, public broadcasters have the responsibility not to adapt merely to market demands in their programming, but, contrary to commercial broadcasters, also take into account the expectations of minorities (and not only national minorities). Thus, even though low ratings are not completely irrelevant, they cannot become the main criteria for programming decisions for the public broadcasters.

Importantly enough, the ratings are dependant not merely on the quality or importance of the programmes offered, not even only the timing either, but are also a result of marketing strategies which are largely the result of the priorities of the management and programming board.

Instead of using the low interest that minorities take in following the national television as a justification in further diminishing the broadcasting time in the minority language, one could very well rather see it as a concern to be addressed more attentively. The aim should rather be to actualize the potential of national broadcasting channels in promoting and developing a shared public space and forum than to announce all efforts useless before putting them to test. Thus, the question in a democratic society is rather the one that asks and explores for ways in which to involve also the minorities in the common communicative sphere, even if this means taking an effort to make it more easily accessible and attractive according to the expectations of the minority.

The former editor in chief of the Russian-language programmes in ETV, identifies three general causes behind the decrease of programming time for programmes in Russian language:

- ?? The internal priorities of ETV set by the board - priorities both in the allocation of finances and in programme selection (including the distribution of broadcasting timing)
- ?? The unwillingness of the Broadcasting Council to interfere with the decisions of ETV even when the latter contradict the responsibilities laid down in the statute

for ETV as a public broadcaster. The members of the Broadcasting Council remain inactive in assuring the provision of programmes for linguistic or other minorities and in guaranteeing that the informational needs of all members of society be met.

?? The general socio-political situation, including the reluctance of the ‘Estonian’ politicians to make unpopular decisions such as strengthening the position of Russian language in the public sphere, and the reluctance of ‘Russian’ politicians to seek for a comprehensive solution. The latter are more interested in referring to the problematic situation in the media sphere whenever in their political interests - to invoke discontent and sense of protest in their potential electors - than to strive for a viable solution. There have been no attempts from either side to initiate any substantial changes by long-term and sustainable policies.

One of the members of the Broadcasting Council described the policy of providing broadcasting time for programmes in Russian as based on the following priorities of needs and interests:

- ?? the informational needs of the minorities
- ?? language learning programmes
- ?? social-critical programmes
- ?? bilingual programmes

‘Meeting the needs and living up to the obligations of minorities is not the only task of ETV, and attention paid to and efforts made to fulfil this task have to be optimised in relation to other tasks. Considering the minimal size of audience among Russian-speakers, the share of Russian-language programmes on ETV may be seen as optimal.’

The unjustified argument of the low number of viewership was already explored. Another reason often given for not providing more time for Russian-language programmes is that ETV has also other tasks and the broadcasting time available is limited. Establishing a public television channel in Russian language - to be complementary to the merely Estonian-language one then, is however an idea that has not been extensively elaborated.

In some respect, it would be an ideal solution, yet, taking into account the small number of audience in Estonia in general, and of Russian-speakers in particular (less than 400 000), and the financial constraints deriving from it, implementing the idea would be neither practical nor feasible. Already one public television channel and upholding its quality programming for the population of 1.4 million turns out to be rather costly when to calculate the costs *per capita*. Besides, ETV is constantly struggling with financial problems.

The same difficulties arise in case of attempts to establish a private television channel only in Russian language. Even though it is likely that the audience would not be only the Russian-speakers - already the Russian-language programmes on ETV have more Estonian viewers than Russian-speakers, both in real numbers and proportionally - such a limited market as Estonian population provides, would make it extremely difficult for another TV-channel to operate on the revenues from advertising.

Even though the question of limited financial resources is restraining enough, all the interviewed experts expressed doubt that the private channel in Russian language would be granted a broadcasting license, even less that the proposal for establishing the publicly funded channel for linguistic minorities would be endorsed by the Parliament.

When taking into account both the political reluctance and particularly the financial restraints, the most feasible alternative under present conditions seems to be to re-think the provisions of broadcasting time on the existing public television channel. Furthermore, as demonstrated also above, various studies and surveys among non-Estonians suggest that television could indeed be one of the means creating and fostering the common informational and communicational space regardless of nationality or linguistic barriers, and has a potential to strengthen the sense of 'togetherness' while respecting the differences between communities. Whether the titular nation is willing to share its part of the duty in making the public sphere in general, and the public television in particular, a more representative and engaging enterprise, engaging also the non-Estonians, is another matter. Fortunately, it seems, despite of the still existing

discrepancy, this is a matter becoming over time more debatable and negotiable than only a few of years ago.

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² Statistical Office of Estonia, official web-page: <http://www.stat.ee/indicators>, checked 12.04.2003.

³ Law on Cultural Autonomy for National Minorities, available at www.minelres.lv/NationalLegislation/Estonia/Estonia_KultAut_English.htm

⁴ As both the terms 'cultural minority' and 'culture' are used in numerous ways also in academic literature, and all the more in politics or journalism, it is useful to specify the content of these terms within the scope of this paper. Generally, there are two extreme definitions:

- 1) culture as a whole way of life
- 2) and according to an aesthetic approach - 'works of art'.

This paper refers to culture as having two key elements:

- 1) those having to do with its content - values, ideas, meanings, beliefs
- 2) culture as a communication network - the social order in which these values, ideas, meanings, etc are exchanged

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